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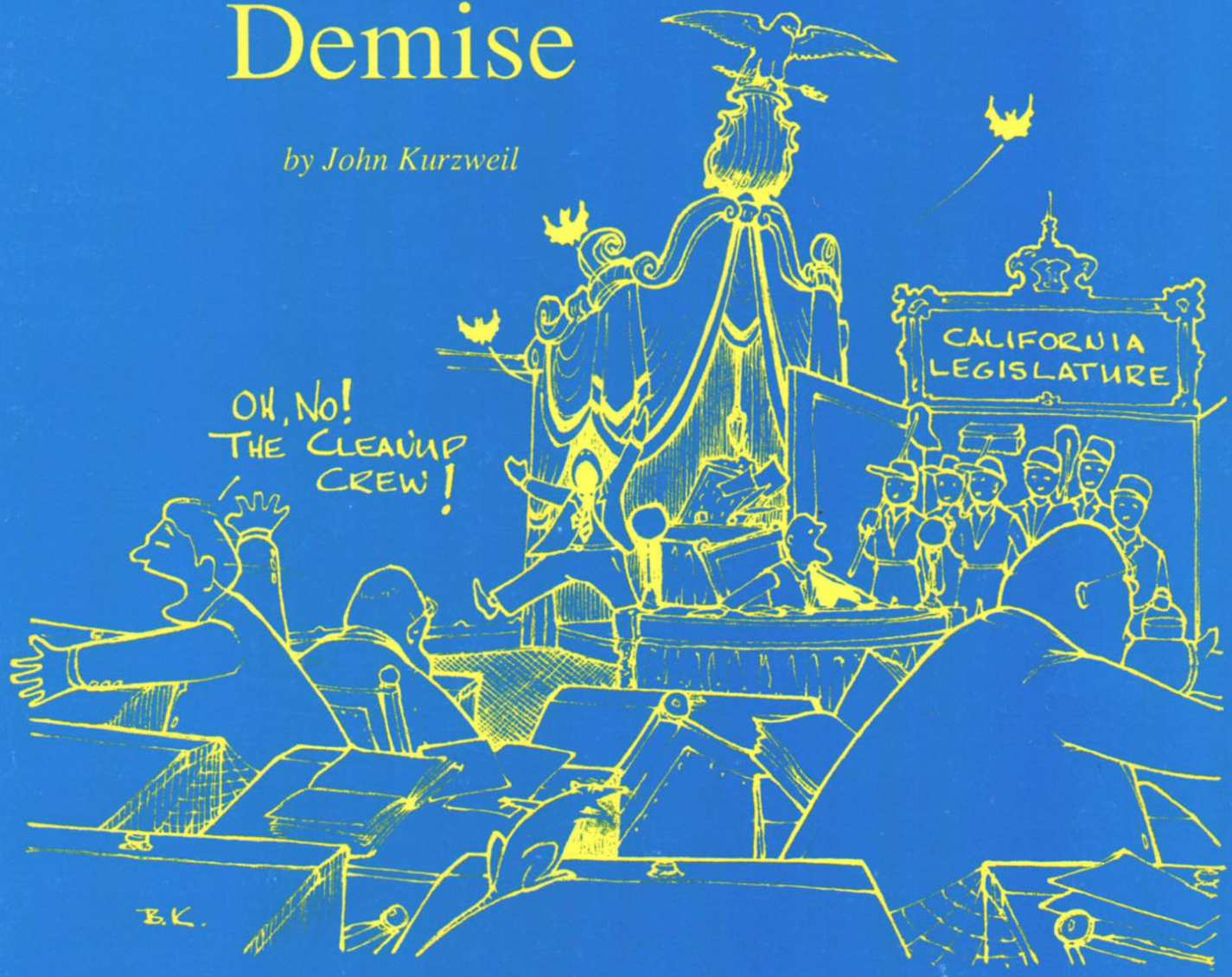
California Political Review

Burtonmander's Demise

by John Kurzweil



Also:

Bruce Herschensohn: Why America Needs a Flat Tax

Tom Campbell's Economic Revival Plan

Manuel Klausner on the ACLU v. the Boy Scouts

Vol. 3, No. 1 *A Publication of the California Public Policy Foundation* Winter 1992

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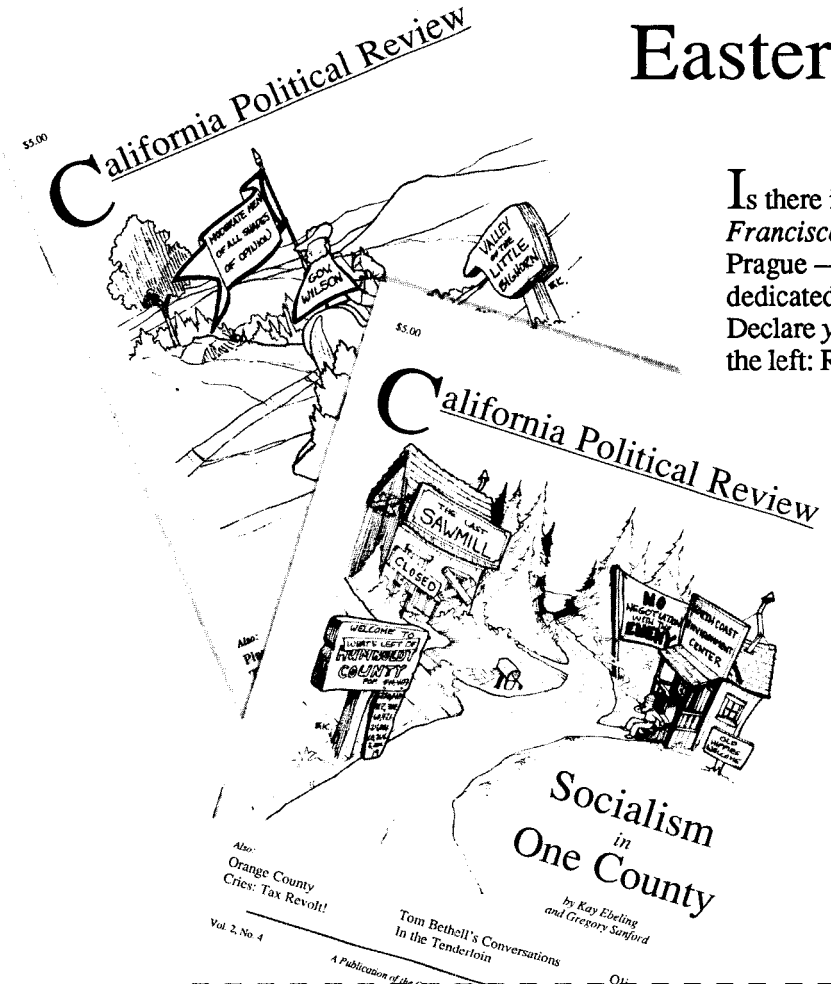
Helping California Catch Up With Eastern Europe



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Must reading for informed Conservatives

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California Political Review

Winter 1992

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Correspondence

Timber Wars

Since becoming a subscriber to *California Political Review*, I've noticed the magazine popping up, again and again, in one of the most unlikely places to find thoughtful discussion — the State Capitol.

As recently as this month, while meeting with Senate budget consultants, I noticed your article on the Timber Wars ("Socialism in One County," *CPR*, Fall 1991) being used to debate the efforts of the environmental movement against the timber industry in Northern California. Not only is your magazine making a difference for the conservative movement, but it is actually shaping political policy inside the Capitol as well as the state.

I applaud your efforts and your magazine. Keep up the good work.

Hon. Don Rogers
Bakersfield

I appreciated your excellent article on what is going on in Humboldt County.

Hon. William E. Dannemeyer
Fullerton

After reading Kay Ebeling's "The Reality of Feminism" (*CPR*, Summer 1991), I resolved to write, but didn't. I intended to write after reading "Socialism in One County," but again lethargy got the better of me.

A few minutes ago, I happened to glance at the "Correspondence" section of the Fall issue. Joseph Miranda's letter is so irritating it impels me to do what I should have done weeks ago. Congratulations on two very fine, insightful, and wonderfully written articles.

Edward R. Jagels
Bakersfield

Edward R. Jagels is Kern County District Attorney.
Editor

The *Speaker* Did It

As one of the 13 policy consultants fired by the Speaker, I appreciate your support. ("Sacramento Spectator," *CPR*, Fall 1991) Most blame lies with the Speaker; very little, if any, with [Assembly GOP Leader Bill] Jones.

William Weber
Sacramento

A.P.C. responds:

Mr. Weber is technically correct, yet wrong on the vital substance of this issue. True, the blame does lie — in origin — with Willie Brown, since he took the initial action. Mr. Brown, however, was acting as one would expect the Democrat Speaker of the Assembly to act. It is in the reaction of Mr. Jones — or rather the lack of reaction — that the real grounds for criticism exist, as I stated in my column. Mr. Jones and his leadership took the action that has come to symbolize so well that sorry group — they did nothing. That is not how one expects the Republican leader of the Assembly to react while his staff is being decimated.

Outstanding Conversations

The article, "Conversations in the Tenderloin," (*CPR*, Fall 1991) was outstanding. Please tell me (and your other readers) how we may make contributions to both Exodus and Courage.

Bob Small
Bakersfield

Contact Exodus *through Bob Davies, P.O. Box 2121, San Rafael, CA 94912, 415/454-1017, and* Courage *through Fr. John F. Harvey, St. Michael's Rectory, 424 W. 34th St., New York City, NY 10001, 212/421-0426.*

Thrilling Chronicles . . .

I just wanted you to know I have already had four requests through your article (California Chronicles — "Literacy Outreach," *CPR*, Fall 1991). I am just thrilled and thank you so much.

Louise Leigh
El Monte

"Literacy Outreach" described a Califor-

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California Political Review

A publication of the California Public Policy Foundation

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California Political Review, published quarterly by the California Public Policy Foundation, 4520 Van Nuys Blvd., Ste. 662, Sherman Oaks, CA 91403. Signed articles express their authors' opinions and do not necessarily reflect the views of the editors or the California Public Policy Foundation. Unsigned editorials express the editors' opinions and not necessarily the views of the California Public Policy Foundation. Rates: $20 yearly (four issues); students: $10 yearly. *California Political Review* is copyrighted by the California Public Policy Foundation. Send address changes, manuscripts, and Correspondence to the Editor, *California Political Review*, 4520 Van Nuys Blvd., Ste. 662, Sherman Oaks, CA 91403. Unsolicited manuscripts should be accompanied by a stamped, self-addressed envelope.

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California Chronicles

John Gurley, editor

California Chronicles reports on current activities and projects of conservative leaders and organizations around the Golden State.

College Republicans

Herschensohn, McClintock to Address Convention

GOP U.S. Senate candidate Bruce Herschensohn and Assemblyman Tom McClintock (who, at press time, was considering a run for California's newly-drawn 24th Congressional district seat) will speak at the California College Republicans' state convention set for April 10-12 at the Red Lion Inn in Ontario. U.S. Secretary of Housing and Urban Development Jack Kemp has also been invited to address the gathering. The CCRs are one of five major volunteer organizations officially recognized by and affiliated with the California Republican Party (along with the Federation of Republican Women, Young Republicans, California Republican Assembly, and California Republican League). "Members of California College Republicans are between the ages of 18 and 26," said convention Director John Bressler. "We have 40 clubs around the state. In contrast to other volunteer groups, *all* of our chapters are on-campus." Even so, Bressler added, non-students are welcome and encouraged to attend. Contact: John Bressler, 1614 N. San Antonio, Upland, CA 91786, 714/949-1272.

Coalition for America

Conservative Organizing

Southern California Coalition for America, in association with conservative activist Paul Weyrich's Washington D.C.-based Free Congress Foundation, holds monthly meetings (every third Tuesday) in Pasadena for pro-family activists. Moderated "via satellite" by Mr. Weyrich from the nation's capital, the talk is stimulating and informative with such (past) guests as Supreme Court Justice Clarence Thomas, former Education Secretary and anti-drug chief William Bennett, and presidential candidate Pat Buchanan. Admission is by invitation only. Contact: Patrick Vollmer, 818/795-8871 Ext. 262.

SPECIAL REPORT ON NEW CONSERVATIVE PUBLICATIONS

Destiny Magazine

Uprising on the Liberal Plantation

Destiny — The *Alternate Voice For Black America* makes the point, in a variety of contexts, that the habit of blaming outside forces — particularly racism — for all the suffering of black Americans has proven to be seriously misguided and, especially for those it is supposed to help, painfully destructive. The magazine is a call to freedom, that is, to an appreciation of our power to decide for ourselves what we will be: success or failure, wise man or fool, saint or sinner. Some samples:

"Since the days of reconstruction, white liberals and black leaders have teamed up. For white liberals the payoff is to rule. For some black leaders, it is to build an entire career from a lifelong advocacy for the same welfare system that is poisoning millions of black Americans. Working together to block the Thomas nomination, black leaders were like Judas...."

"There are more than 2,000 radio stations that are owned and/or operated by blacks. Ninety-seven percent of these radio stations pump music into the black community....hardly anything penetrates the inner city more than the 3.9 million messages of sex, anger, and perversion dominating the radio waves....why is this being done to us by us?"

And from an article about Raymond Johnson, a former radical who hijacked a 747 American Airlines jet (to escape prosecution for arson following a 1968 race riot) and who spent the next 18 years in and out of Castro's prisons before paying off enough officials to permit him to return to America: "Contrary to what many in America believe, [Johnson said] socialism is the greatest danger to the

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people of the world. It subtly takes away freedom and leaves hopelessness in its place.

"It arrogantly denies the existence of God and by doing so dominates all mankind. It gradually converts everyone to humanoids. It takes all joy out of life and replaces it with poverty, hunger, and restrictions. As I lived within the socialist monster, I came to know its entrails. It is not the friend and defender of rights it pretends to be."

Edited by Emanuel McLittle (who says he wants to make his magazine "the rival of all the fashion, fluff, and trivia most black publications offer"), *Destiny* includes Walter Williams and Thomas Sowell among its contributing writers. It is published bimonthly. A one year subscription costs $14.95. Contact: *Destiny* magazine, P.O. Box 19284, Lansing, MI 48901, 517/484-2576.

Wisconsin Interest, The Nevadan & Indiana Policy Review

Conservative Journalism in the States

CPR welcomes three new conservative journals aimed at state politics and policy. *Wisconsin Interest*, a 60-page biannual journal is characterized by its editor, Charles J. Sykes, as "a mixture of scholarship, journalism, and commentary." The inaugural issue kicks off with a look at "Wisconsin's weirdest town": Madison, where a proposal to build "Madison's first public swimming pool," writes Thomas W. Still, has been stymied by concerns about disturbing the eggs of a species of turtle that is supposed to inhabit the vicinity. The trouble is that when City Parks Superintendent Dan Stapay asked pool opponents whether anyone had ever *seen* the turtles near the proposed pool site, "'no one had.'

"No tangible terrapins, anti-poolers admitted," writes Still, "but if some exist, they would be hanging out in the marshy Turville Bay area about a quarter-mile from the pool site." So no pool.

Wisconsin Interest, writes editor Sykes, offers "a challenge to the conventional wisdom" which, judging by the non-existent turtle issue, could use some challenging. Plus articles by Dinesh D'Souza, William J. Bennett, and others. Contact: *Wisconsin Interest*, 3107 N. Shepard Ave., Milwaukee, WI 53211, 414/963-0600.

Editor Steven B. Miller of *The Nevadan* (a 10-page newsletter) spells out, in plain English, the problem his publication seeks to address: "The men who now hold our governorship, our two U.S. Senate seats, and one (at present) of our two House seats, are all the sort of Democrats — despite their campaign-generated camouflage — who'd make Jefferson spin in his grave, whose mitts automatically reach for your pocketbook, either directly, through taxes, or indirectly, through inflation generated by deficit-spending." They succeed because "they, and their interest group allies (who look at you and me and see pork chops for their dining), have out-organized us." Thus, *The Nevadan* is establishing communications among "conservatives, libertarians, and populists" to help them get organized — a good plan. Contact: *The Nevadan*, P.O. Box 41201, Reno, NV 89504, 702/826-6737.

Indiana Policy Review is published by the Indiana Policy Review Foundation whose "publications and study programs are designed to make the voices of responsible conservatism heard in Indianapolis and throughout the state of Indiana" — *another* welcome effort to counteract the one-sided domination of news and commentary at the state level by people bogged down in, as *CPR*'s cover ad says, "the creaking, derelict statism of the left." Contact: *Indiana Policy Review*, 320 N. Meridian St., Ste. 615, Indianapolis, IN 46204, 317/236-7360.

In Brief....

Pacific Research Institute

Announcing a contest for suggestions on how to reduce the cost of state government. Contact: Pamela A. Riley, PRI, 177 Post St., San Francisco, CA 94108, 415/989-2411. CPR

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Correspondence

(Continued from page 2)

nia Republican Party program offering free classes in reading, English as a second language, and citizenship.
Editor

. . . Very Appreciated

Your review of my book [*37 Things Every Black Man Needs to Know*] was very appreciated. (California Chronicles — "Formula for Success," *CPR*, Summer 1991). I've even received some calls from it. I also found your publication informative and thought-provoking. Till we speak again I hope your projects and dreams continue to blossom.

Errol Smith
Valencia

A Public Service

CPR *reader David F. Lawrence sent the following letter to the* Los Angeles Times *in response to syndicated columnist Richard Reeves's essay "Have Gun, Will Shoot," which argued for "amend[ing] the Constitution if that is necessary to make bearing arms a regulated privilege rather than a God-given right" so we can "take back the streets." The* Times *has not, so far, printed Mr. Lawrence's response, even though Mr. Reeves apparently believes not only that gun control stops crime but also that Constitutional amendments repeal God-given rights. We print it here as a public service on the grounds that it is unsafe to allow such confusion to go unrefuted.*
Editor

To the Editor, *Los Angeles Times*:

Were the *Times* and the mendacious Richard Reeves truly interested in public safety, they would stop producing attacks against legitimate gun ownership ("Opinion," *Los Angeles Times*, January 5) and instead support a state concealed-carry bill for all law-abiding citizens.

(Please turn to page 6)

Commentary

The Return of the Gap

GOVERNOR PETE Wilson's New Year's message, delivered in his State of the State address and even more emphatically in his new budget proposals, is that the 1991 budget deal settled nothing, the greatest tax increase in history and all we were told to the contrary last summer notwithstanding.

Back is the yawning Budget Gap, already anywhere from $4 to $7 billion or more, depending upon whose calculations are consulted. Back is the debate over "cuts" in programs that somehow mysteriously still leave us spending more money than before. And back are the governor's calls for tax increases. Oh yes. There, in the fine print: $376 million from elimination of the renters tax credit, $110 million from repeal of a tax credit for businesses that provide health insurance to their workers, and $347 million in money shifted from local special districts to the schools which, as reported in the *Los Angeles Times*, "would force hundreds of water, waste, harbor, and airport agencies to raise their fees or cut their budgets." Guess which it will be.

Disguising tax increases by calling them elimination of credits or by shifting their collection to other levels of government doesn't change what matters: that the people must again prepare to turn over *more* of their money to the state. Added up, these "no tax increase" proposals come to $833 million, a better starting place than last January's call by Wilson for $1.8 billion in "revenue enhancements" (that grew finally to $8 billion in new taxes), but an eight-tenths of a billion dollar tax *increase* nonetheless. And this is only January.

ANOTHER OLD ghost that Wilson's pragmatic style and no-nonsense approach was supposed to put to rest was the partisan bickering and ill-will of the Deukmejian years. But what ho! Here is Senate President Pro Tem David Roberti reacting to Wilson's new budget: "We tried to accommodate Wilson and we compromised a lot last year [the $8 billion *compromise*!] and then he comes along and hammers us." Willie Brown was so peeved he "compared Wilson to Herbert Hoover" and "snubbed" the governor's post-State of the State speech banquet. The "speaker did not have a cold or anything," a Brown aid reportedly said, and meant it to sting, presumably.

The *Times* quoted a "veteran Republican with good contacts among

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Correspondence

(Continued from page 5)

This would at once enhance public safety by making criminal attacks on ordinary people a far riskier enterprise (and an unpleasant guessing-game for the career criminal) and end the current system of passing out permits based on celebrity or political contributions to the local law-enforcement honcho (ask yourself why the likes of Sylvester Stallone and Dianne Feinstein are able to carry concealed weapons, but not you, the responsible taxpayer).

Oregon, Washington, Montana, and Idaho feature legalized concealed-carry for their citizens. (Arizona currently has open carry, but a CCW law is under consideration.) In those states, thugs are aware that Grandma may indeed be carrying a .45, and this has reduced assault and robbery activity accordingly (some 40 percent in Portland). Indeed, but *one* armed citizen — legally-armed or not — could have prevented or stopped the tragic massacres at San Ysidro and Killeen.

The fact that Mr. Reeves doesn't want you to know is that those cities and states with the most stringent gun controls (such as California and Texas and New York) have the highest incidence of gun-related assault and robbery — and that holds across the nation.

There is no need to spend millions to further empower state and federal bureaucracies to fight crime — the Founders saw that personal protection was the responsibility of the armed citizen. As a police officer with 15 years of street experience (not behind an administrative desk), I can assure you that the police cannot be there in time to protect you from the hyenas that Mr. Reeves and other liberals protect by policy.

If you want to take back the streets, throw out the politicians — and the newspapers — that stand in the way of a responsible concealed-carry law for the law-abiding and all-too-silent public citizen.

David F. Lawrence
Manhattan Beach

Democrats" as saying that "the mood, the feelings, are as bad as they have ever been, as bad as they were under Deukmejian."

THESE, OF course, are all good signs. And sure enough Wilson's new proposals include some excellent ideas, especially in reforming the state's destructive welfare system (see the following editorial). Another is his effort to restore some measure of sanity to the budget debate by abandoning the concept, developed by the Democrats, of a so-called "workload budget": a set of spending targets established by calculating the amount of money needed to continue all existing programs into the new year, allowing for projected growth (in the numbers of people served by the welfare system, for instance, or the schools) plus inflation. In effect, the "workload budget" sets spending levels first, then leaves the task of finding the money to cover them. Any failure to fund this projected "budget" fully is decried as a "cut" and becomes an urgent call for automatic spending and tax increases "just to stay even."

Wilson fell into this propaganda trap last year. The distorted picture it paints contributed decisively to his disastrous decision to champion crushing new taxes last year. This time, the governor is basing his budget proposals upon projected revenues: saying, in effect, how much will we have to spend? and only then deciding *how* to spend it. This, the governor's people say, is how every family sets its budget — calculating income, then setting priorities for dividing the available money. It's obviously an intelligent move and long over-due.

BUT WHAT happens if your revenue projections come up short? Conservative Assemblyman Tom McClintock and liberal state Treasurer Kathleen Brown both say Wilson's predicted revenue increases of 9.3 percent are wildly over-optimistic and, combined with his proposed emergency reserve of only about $100 million (about one-tenth the size of this year's reserve), are likely to lead to more huge deficits — the same game of "gaps" and "cuts" *and* taxes given us by the workload budget.

For all its good points, what's missing from Wilson's proposals, just as last year, is any apparent guiding philosophy, or even ideology, to provide continuity, context, and ultimate objectives. It attacks specific problems but ignores the vast philosophical divide between the free market mindset of his own party and the Democrats' socialist mentality. That's why his proposals are full of contradictions. He eliminates the workload budget, but then uses equally unrealistic premises to continue spending at levels California's economy cannot afford. He

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wants to restore the economy, create jobs, and staunch the flow of businesses fleeing the state, but still raises taxes and champions more regulatory constraints on business profitability through, for instance, Cal EPA and new confiscatory controls on how private owners of forest lands can use their property.

LIKE GORBACHEV, Wilson seems to want to make the system work by reforming it. But the problem is not flaws in the system; it *is* the system — big government — itself. Letting government do it is only an elaborate self-deception. The money government spends is *our* money. It is *our* responsibility. Taxing away our own dollars and turning them over to politicians and bureaucrats to spend for us is only running away from our responsibilities as free people. Rather than trying to salvage the behemoth monster that California state government has become, Wilson should attack the basic mistake of thinking government should do for us what we should do for ourselves.

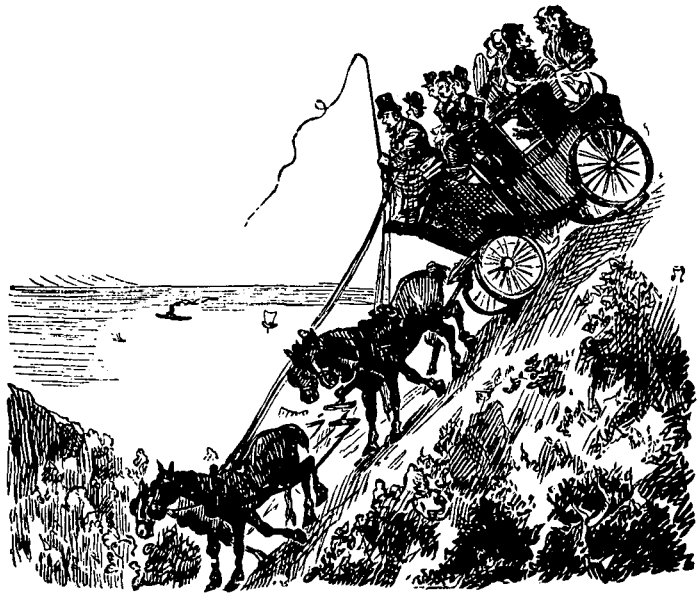
A good place to start would be for Wilson to endorse and campaign vigorously for parental choice in education, encompassing both public and private schools. Alongside his wise rejection of the workload budget, Wilson might also propose some major revisions in the way we collect taxes to make it as clear as possible that taxes are the cost we pay for government. That means, essentially, tax simplification and the banishment from the tax code of as many politically-motivated provisions as possible. Whether they're good politics or bad, they don't belong in the tax code where they only distort the fundamental message taxes should convey.

The point is to give the economy and decision-making power back to the people. That would bring consistency and effectiveness to Wilson's programs. Democrat office holders and reporters would then begin calling Wilson an "ideologue" and "right-wing," but that, as we've seen, is always a good sign.

Wilson's Welfare Reform

"WELFARE DEPENDENCY has grown at a frightening rate in California, frightening not just for taxpayers, but frightening for the thousands of recipients who have been trapped and warehoused by the welfare system."

Thus Governor Pete Wilson introduced the welfare reforms in his proposed November ballot initiative. Some of the proposal's provisions are mainly designed



to gain control over the system and to save money: the setting of annual grant levels based on the state's ability to pay (in turn determined by revenues and caseload growth) and an immediate reduction of overall grant levels by 10 percent (partially replaced by a $20 increase in food stamp allocations).

ASSEMBLY SPEAKER Willie Brown complains that the savings from the 10 percent reduction will prove insignificant in dealing with the billion-dollar deficits state government routinely encounters these days and he is probably right, though his point misses what really matters about Wilson's proposals: that they introduce a measure of responsibility into a system essentially designed to sustain the liberal myth that questions of responsibility are irrelevant in dealing with poverty.

The proposal adds incentives to the system to keep kids in school, to keep unwed mothers living with their parents or guardians at home, and to encourage welfare recipients to find and keep jobs. It reduces California's status as a welfare magnet by offering benefits to newcomers, for 12 months after they arrive, at the generally lower levels their former states pay. And it removes the incentive the system now gives welfare mothers to increase their benefits by having more children.

It is of more than passing interest that these provisions embody thoroughly *conservative* ideas about human nature (and are absolutely at odds with liberal ones), since Wilson spent most of last year complaining about conservatives in his own party, characterizing them as grandstanding ideologues unwilling to deal with real problems in the real world. Wilson's adop-

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Sacramento Spectator

'Huffin and 'Puffin Under the Dome

SILLY SEASON is back again, having commenced on January 6 when the Legislature got back in town. Everybody is a-huffin' and a-puffin', trying valiantly to find the pose most pleasing to the voters back home. The governor is trying to look like a Republican again, legislative Democrats are mad as wet hens at the Supreme Court, and the Republicans under the dome are in their usual state of befuddlement.

First to redistricting. The Supreme Court's proposed new lines are an enormous boost for the GOP — *not* because they are slanted toward Republicans, but because they are *fair*. Compared to the current Democrat gerrymander, any fair plan was bound to advantage the Republicans. The court's plan does just that. It presents a level playing field — one where the voters will decide which Party gains a majority. It does *not* guarantee Republican majorities.

IT *DOES* guarantee that partisan representation and strength in the state Legislature will bear some relation to the mood of the voters on election day. That is what the Democrats are howling about. They're actually going to have to compete in a fair fight. Imagine that! Actually, they ought to hold on to their majorities in both houses in '92, but are in serious danger of losing one or both chambers to the GOP by 1994. Hosanna! If eight years of George Deukmejian did nothing else, it gave California a Supreme Court able to put the interests of the people above the interests of petty partisanship. Thank you, Duke.

Now to our very own chameleon, Governor Wilson. One of the most amusing masquerade acts in town is Pete trying to become a Republican again. His chosen vehicle for this is his welfare reform initiative. Merits of this proposal aside for the moment, Wilson's purpose with this initiative is stunningly transparent, even for a town awash in venality. You see, Pete was in trouble, big trouble, not only with us nasty right-wingers but with the populace at large. Seems something about Pete's $8 billion tax increase stuck in our collective craws. So, *hesto presto*, Wilson discovers there's an economic crisis in California and he's going to do something about it.

AND WHAT better way to regain lost favor with conservatives and the working class in the state than to beat up on welfare recipients. That is his motivation, period. If he is really concerned about our budget crisis or our competitiveness or the exodus of productive citizens and businesses to other states, he need only look in the mirror to see the reason. His first year's budget and tax policies were brutal and punitive to California's productive sector. His appointments to the agencies overseeing business activity read like a *Who's Who* of the extreme environmental, hate-business movement. He has spent his first year in office throwing lit matches into the economic underbrush of this state and now is shocked to discover that the landscape is ablaze.

Anyway, his answer is an initiative that deals with welfare reform and with the state's budgetary process. It is probably unconstitutional because it deals with more than one subject in a single initiative. In the unlikely event it gets past this hurdle, several questions as to its merits remain. *All* of Wilson's proposed changes in the welfare system, for instance, require rule changes in Washington, D.C.

Problematic, at best, but what's a small thing like that when our governor's presidential ambitions are at stake? The other "iffy" parts of the initiative concern whether conservatives really want *any* governor to have the kind of sole power over the budget granted by the proposal. Several leading conservatives in the Legislature are exceptionally dubious about the entire package. Some prolife groups see encouragement for abortion in some of its language.

ALL IN all, a muddled situation, brought on by Pete trying to repair his GOP credentials. If you have an chance to sign this beauty, think twice. - *A.P.C.*

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tion of these and, in his budget proposals, other conservative ideas and positions *may* represent his sincerely-held current beliefs. Then again, given his track record, they may be no more than election year fence-mending. The combination of welfare with budget reforms in a single initiative, with the danger that the whole initiative could be overturned in court under the single-issue rule, suggests the possibility that the governor's team was thinking more of public relations now than of lasting policy changes in the long run.

But whatever Wilson's motivation, it is important to note that political and economic reality have left him no choice but to follow something like his present course. Political pressure from conservatives combined with liberal policy failures, both short term (such as "solving" budget gaps through tax increases) and long (such as "solving" poverty through massive social programs), have left the governor few choices. He must champion conservative positions or perish politically. This is a vindication both of conservative ideas and of those conservative leaders who criticized the governor last year. Men like Ross Johnson and Tom McClintock were blasted for "disloyalty," while they were, in fact, showing themselves to be Wilson's, and, more importantly, their party's and their state's, true friends.

Condoms To The Rescue

THE PARENTAL Choice in Education initiative now being circulated for the November ballot received a significant boost January 21 when the Los Angeles School Board voted 4-3 to begin distributing condoms on the city's high school campuses. The decision is an endorsement of the view of our high school students as hopelessly irresponsible and unteachable when it comes to sex. According to a *Los Angeles Times* report, proponents "argued that in a time when an estimated 54 percent of teenagers reportedly engage in sexual activity, it is critical for the schools to offer information and options that could possibly save lives."

So hand out condoms? Might this not perhaps lead students to doubt the sincerity of teachers counseling sexual self-control? Presumably the school board's next move, in an effort to deal "realistically" with drugs and knowing that *some* students will be using them, will be to pass out clean needles and instructions on how to employ them as safely as possible. Is anyone really stupid enough to think these students don't get the message?

Like Timothy Leary's Drugs Will Set You Free movement and the rest of the half-witted notions that emerged from the counter-culture of the '60s, the sexual revolution was an attack on individual responsibility. Its message was: if it feels good it *is* good and, again like the drug culture, was welcomed and encouraged by the political left. The left always promotes irresponsibility because responsibility is just another word for freedom — people making decisions for themselves and enjoying or suffering the consequences.

THE FATAL flaw in the notion of "safe sex" is its dependence upon two irreconcilable propositions: first, that the only guide to right and wrong is how good or bad a thing feels and, second, point one notwithstanding, *sometimes* we must exert self-control because mindless self-indulgence often proves self-destructive. Either objectively real principles exist or they do not. "Safe sex" tries to have it both ways. Its premises achieve both moral *and* intellectual irresponsibility.

The delusion of "safe sex" is consistent, in its witlessness, with its progenitor the sexual revolution. It doesn't work because it can't. Consider some of the numbers from Governor Pete Wilson's office that came out in January in a document titled "California's Demographic and Budget Trends."

"Over the past decade, births to unwed mothers have increased 85 percent . . . .

"California has the highest number of births to teen mothers, 64,000 babies to teen mothers in 1989 alone. More than one out of every 10 children in California are born to teenage mothers.

"The state's high number of teen pregnancies is particularly significant since teenage mothers currently make up 11 percent of all AFDC applications and over 50 percent of mothers on AFDC had their first child as a teenager."

NO DOUBT Roberta Weintraub and the other "progressives" on the L.A. Board will call these numbers further proof that we must get those condoms out there now! Like socialists who greet every disaster their proposals cause with excuses that we didn't go far enough, their commitment is not to solving anything or helping anybody nearly as much as it is a slavish addiction to an idea: that good is what feels good and that traditional wisdom, learned over thousands of years of human experience, about sex and family and responsibility is all somehow wrong. As we said, a boost for the educational choice initiative. CPR

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Burtonmander's Demise

Jerry Brown's ghost has wandered the halls of the Capitol, haunting state government through the '80s and into the '90s. By dismantling Phil Burton's masterful gerrymander, the Supreme Court may finally have laid this poltergeist to rest.

by
John Kurzweil

JERRY BROWN'S legacy might finally be mostly behind us, following the state Supreme Court's and a federal court panel's rejection of legal challenges to the new Legislative and Congressional district lines. It's high time. The state is still reeling under the now nearly 20 years of liberal misrule begun in the early 1970s which, ironically, reached its peak the year Ronald Reagan was elected president.

In 1980, the left wing of the Democrat party controlled all three branches of state government, with Brown as governor, Rose Bird and her madcap Court atop the judiciary, and Democrat majorities controlling both houses of the Legislature. But, as Reagan's landslide victory and the first election of a Republican majority to the U.S. Senate in more than 20 years indicated, the political mood had already shifted away from the statist politics of those in charge in California. That so many of their ideas and policies (and a good many of *them* as well) have managed to hang on for so long is a tribute to the skill with which they set about thwarting the institutions of democracy. Lesser men would have been swept away much sooner as the political tide shifted.

First to go was Brown himself, but not before saddling us with a chief justice possessed of a disregard for the rule of law, dedicated to using the courts to impose her leftist ideas upon us, and controlling an almost unassailable power to work her own, not the peoples', will. Though it is little discussed now, Bird's Court played a critical role in sustaining the legendary Phil Burton gerrymander (named for the late congressman) that has guaranteed Democrat supremacy and incumbent invulnerability in California's legislative and Congressional delegations since the early '80s.

A 1981 "Burtonmander," signed by Brown, was rejected by the voters through a successful Republican referendum on the June 1982 ballot. The Supreme Court, however, had already ordered that the gerrymandered lines be used in the November '82 elections regardless of the referendum, which would *not* take effect, the Court ruled, until after 1982. Even liberal Justices Stanley Mosk and Otto Kaus joined in denouncing the ruling, describing it as "an official alignment of the Court with one side in a partisan dispute as to which we should remain scrupulously neutral."

Democrats elected under this gerrymander then drew *another* set of gerrymandered lines that Brown signed into law on his last day in office, January 2, 1983. Next, Republican Assemblyman Don Sebastiani qualified an initiative for the ballot in 1983 that drew entirely new lines, dismantling the Democrats' gerrymander. The Bird Court stepped in again, however, removing the initiative from the ballot as unconstitutional. Later, when asked about the incident, Willie Brown chuckled that "Sister Rose and the Supremes took care of that little matter."

THE LAST installment in the saga was a 1984 initiative sponsored by Governor George Deukmejian that would have given retired federal appellate-court judges the task of drawing district lines. The Democrat-financed campaign against the initiative charged that the plan would "politicize the judiciary" and included a series of television commercials starring Jack Lemmon and Jack Klugman that Willie Brown later described as "the most extensive collection of con jobs I've ever seen" and which liberal journalist Martin Smith called "absolutely dishonest." The measure was voted down. Thus, Jerry Brown's California legacy was a power base for the left in the judiciary and the Legislature

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largely immune from democratic challenges. Extraordinary effort has been required to dismantle it.

FOR THOSE unfamiliar with the mechanics of gerrymandering, here, in simplified terms, is how it works: The party in power draws new district lines with care and precision to group as many of the opposing party's voters in as few districts as possible. The party out of power then piles up huge margins of victory in a few districts, while the party that draws the lines has its voters divided more efficiently across a larger number of districts that are carried with dependable, but not unnecessarily large, majorities. The party in power doesn't waste its votes and wins the maximum number of seats. The opposition party gets the minimum number of seats. And challengers running against incumbents most often win no seats at all.

Even Jerry Brown, now campaigning for president, reportedly admits that the old lines brought stagnation to state politics and to his own party.

Sound plausible? It works. In 1980, before Burton's "contribution to modern art," Democrats won 22 and Republicans 21 of California's 43 Congressional seats. Two years later, Reagan's home state produced 28 Democrat congressmen and 17 Republicans — this just following Reagan's landslide victory and coming at a time when the Republican president and Republican policies were at the top of their popularity. Throughout the 1980s, on the basis of statewide vote, California's legislative and congressional elections have been highly competitive. In 1984, Republicans actually won a slight *majority* of the statewide congressional vote, but only 18 of the 45 seats. In 1988, GOP Assembly candidates received 48 percent of the vote while their congressional counterparts received 47 percent. Democrats, however, won 59 percent of the Assembly and 60 percent of the Congressional seats.

ALSO, PERHAPS even more telling, in 1988 every California Congressional incumbent and all but three legislative incumbents were re-elected — 154 victories in 157 races, a 98 percent batting average. During the '80s, most voters in Assembly, state Senate, and Congressional elections might as well have stayed home, which is what, of course, many of them did.

But now, California might actually see the return of more or less democratic government. Gerrymandering hasn't been banished. Thanks to a certain short-sighted opportunism in the way George Bush's Justice Department enforces the Voting Rights Act, the new lines *do* constitute a gerrymander, if that is the right word for it, though it is based on race rather than partisan or incumbent interests. That's an improvement, but still an implicit repudiation, at least in part, of democratic principles.

THE KEY element in ending California's partisan gerrymander was the election of Pete Wilson in 1990. Had Dianne Feinstein won, it is certain the electorate would have fallen victim to an even higher-tech version of Burtonmandering. Despite the pain it is causing them now, even the Democrats should be thankful matters have turned out as they have. Another 10 years of the same old faces and, worse, the same old debates

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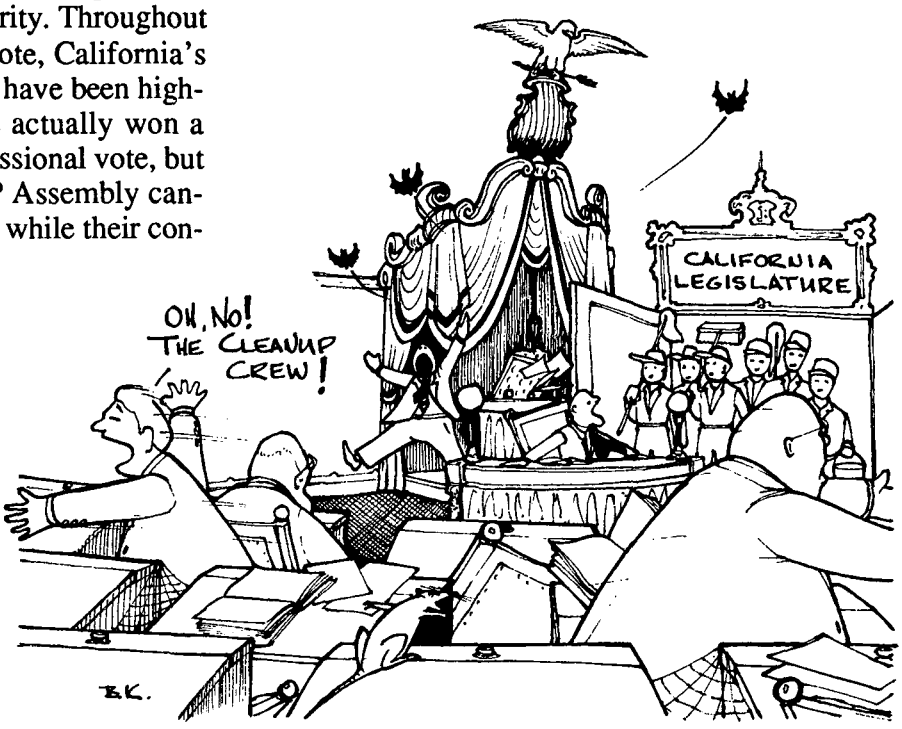

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BRUCE HERSCHENSOHN

Let's Return to Capitalism

America's tax system is used to redistribute income. The word for that is Socialism. A Flat Tax would make the cost of government crystal clear so voters could spend their tax dollars wisely, just like smart entrepreneurs.

BEFORE DAWN, small formations of people started gathering, and by the time the sun rose the formations had turned into lines. All across the nation there were lines of people outside of financial institutions, waiting for the doors to open.

It was not the third decade of the century with people hoping to take their money out.

It was 50 years later with people waiting to put their money in.

During the first days of 1981's October, the government was allowing the sale of what was called "All Saver Accounts." In the first four days of availability, some $15 billion were put into these accounts. They didn't give a higher rate of interest than other savings plans. They gave a lower rate of interest than most of the accounts that the same financial institutions were offering. But there was one great attraction that created the formations and the lines and the crowds. The attraction was that the interest earned on such accounts would be tax-free up to an investment of $1,000 per person. They waited and waited, illustrating visually what had previously been invisible: the folly of the nation's tax code that could cause such time to be spent.

Statisticians come up with figures for just about everything in the world, and within some book on some shelf you can find figures for almost every piece of trivia imaginable; still there has been no estimate of how much time is spent by the nation to figure how to pay taxes as ordered by government without paying more than required by government. It is not merely the time spent on the Internal Revenue Service's 1040 forms but it is also the time spent by those who save and file receipts on an everyday basis, those who log records of every cent spent, those who seek tax shelters, those who carefully weigh deductions and credits, those who consider tax advantages and liabilities with every move because to disregard them could mean the difference between solvency or bankruptcy.

But it takes time.

IF NO one in the nation had to be so concerned about all this, then this nation and almost everyone in it would be granted calendars of time for additional productivity and invention and creation and discovery and just plain liberty. It would add to the productive life-span of practically every person in the nation.

The time that has already been wasted over pads of papers and calculators and computers can never be returned. It's

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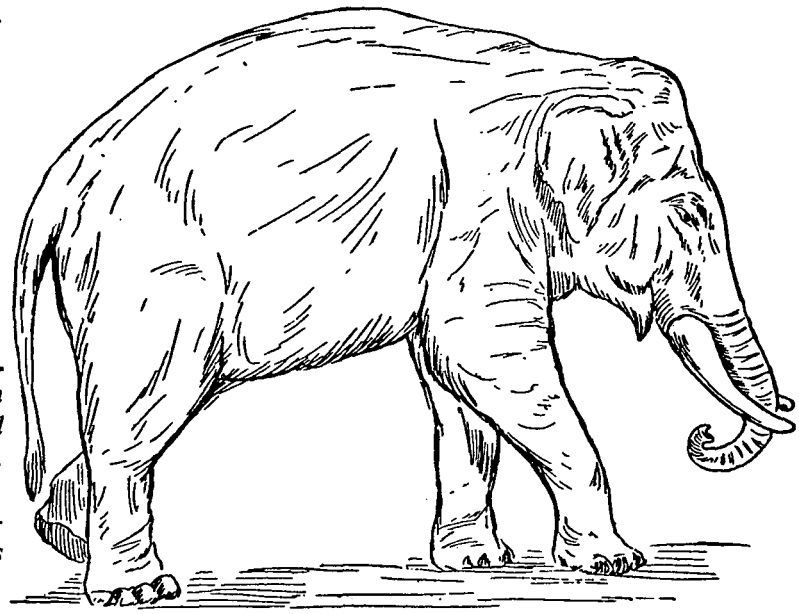

Bruce Herschensohn served in the Reagan and Nixon administrations. He is an author and candidate for the GOP nomination for Alan Cranston's seat in the U.S. Senate.

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TOM CAMPBELL

Bring the Economy Back to Life

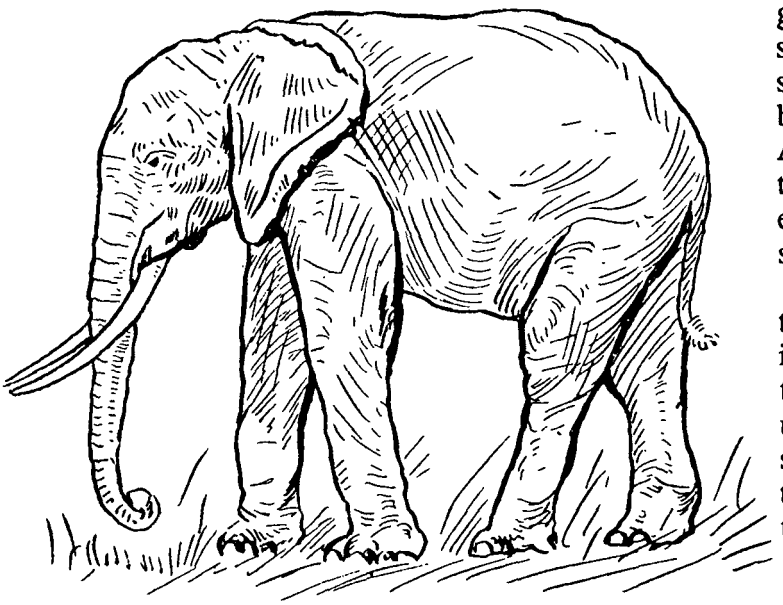
Formula for reviving a stagnant economy: more bank lending, a capital gains tax cut, IRA deductibility, and free trade with reciprocity; less litigation, a line-item veto, and term limits for Congress.

MILLIONS OF men and women are out of jobs. Families can't get loans. Businesses, large and small, are struggling. For almost everyone, the types of exciting new opportunities that characterized the '80s now seem quite remote.

But America can do better than it is doing right now. We can bring back a sense of pride and optimism about the future. To do so, we need to take strong action to bring the American economy back to life. I am proposing eight steps we should take to get out of this economic stagnation and stay out of it:

1. Get banks lending again.
2. Cut the capital gains tax to spur new investments and new jobs.
3. Restore full IRA deductibility so families can again save for the future.
4. Complete a free-trade agreement with Mexico to allow American businesses to expand into a promising new market and take off some of the pressure that is causing illegal immigration.
5. Insist on reciprocity in trade so U.S. companies can do business abroad; if we can't sell there, they shouldn't be allowed to sell here.
6. Reduce the number of frivolous lawsuits so America can stop wasting so many resources in the courtroom.
7. Enact a line-item veto so the president can cut wasteful spending and leave more money in the private sector.
8. Establish term limits so members of Congress can focus on America's economic health rather than the parochial projects that allow them to be re-elected decade after decade.

HERE IS a look at those proposals in detail:



Tom Campbell represents California's twelfth Congressional district and is a candidate for the GOP nomination for Alan Cranston's seat in the U.S. Senate.

Getting Banks Lending Again

A December, 1991, survey of California banks found 43 percent refusing loans to good credit risks, solely because of the regulatory environment. The federal agencies that regulate banks have learned the lesson of the savings-and-loan failures — too well. Instead of evaluating whether a loan to be renewed has always been paid on time, or whether a rental property is fully leased, federal regulators have been applying categorical rules. The result: lending for construction projects has been virtually killed. And it is construction that has led us out of every recent recession.

Increasing competence in regulators, increasing attention to the detail of particular banks' circumstances, and ending the rivalry between the three different

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Herschensohn: Return to Capitalism

(Continued from page 12)

gone. Even if every taxpayer alive now spent only one hour in a lifetime on tax computations, that would add up to 11,415 years of time for the nation as a whole. In work-hours we would have to go back further than 9,430 B.C. to get to the present to regain the time lost to the nation. That's just for one hour in a lifetime.

BECAUSE OF our tax structure, an otherwise limited government has turned not into a "big brother" as has often been said, but into a "strict parent" giving rewards and punishments for things that its citizens do with their own earnings. There are deductions and exemptions and credits and shelters and a glossary of terms that turn a tax form into a declaration of rewards and punishments expected.

Computing taxes has become so complex with dealing out of such rewards and punishments that most taxpayers hire an accountant to figure out how best to declare income to the government. The charge for that accountant then becomes a tax on a tax. There is a way for the government to receive the money it needs, while saving the nation the time it must spend on requesting the appropriate rewards and punishments.

Stop Them.

Taxes should be established on a flat rate. But there are seven things wrong with that idea:

1. It's much too simple.
2. The tax code would then prohibit any prejudice towards any specific people.
3. Hidden loopholes would no longer be able to be used.
4. Most employees of the Internal Revenue Service would be out of business.
5. Borrowing would be discouraged and saving would be encouraged.
6. Throughout the years, people would always know how much they would have to pay in taxes.
7. Worst of all, power would be taken away from the federal government in the determination of rewards and punishments.

So, of course, the idea is worthless.

And there would surely be those who wouldn't want specific loopholes taken away. But they might not protest if the truth were known by the taxpayer: every time one taxpayer is rewarded by a loophole, another taxpayer is punished by that amount. It can be no other way because the federal budget isn't lowered to make up for the money the government would have received if the loophole didn't exist. That money is taken from other taxpayers who might not even be alive yet but are waiting, unborn, to receive the bill. The government cannot, by itself, give a taxpayer anything because it doesn't have anything to give. All it can do is demand that some taxpayers give other taxpayers something. In fact our tax system is socialism, a system of transferring the wages of one person to another.

LET'S RETURN to capitalism.

Let's assume that the members of the U.S. Congress, in a unique moment of sanity, agree on being logical and capitalistic and that they enact a flat-rate tax. What should the percentage be? Should everyone be expected to pay four percent or 10 percent or 12 percent or 21 percent or 30 percent or what percent?

The flat rate should not be arbitrary but, rather, the law of logic should be the law of the land and the flat rate should balance the budget. After a transition period that rate should be commensurate with the federal government's ex-

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penditures, prohibiting deficit spending which means that we'll finally prohibit stealing from the unborn for our expenditures.

INCOME TAX payments serve approximately 40 percent of our federal budget. Corporate taxes add some nine percent, social security payments add some 29 percent. No matter what is included in the flat-rate tax, the percentage should produce what is needed to balance the budget. In so doing we can all at once have a simplified tax system, guarantee no more deficit spending, balance the budget without the requirement of a constitutional amendment, end government-created inflation, ease interest rates, and make every taxpayer part of the budget process as well as the taxation process.

With a Balanced Budget Flat-Rate Tax, the president would be able to say, 'I propose to Congress a budget of x-many cents out of every dollar you earn.' That, everyone would understand.

And this is how it would work once a transition period had passed: early last year President Bush presented his budget to the Congress and to the nation. It was 1 trillion 446 billion dollars. Did one person in the nation lose one wink of sleep because of the figure the president requested? Would it have made any difference to the individual if the president established a budget of 3 trillion 912 billion dollars? There isn't one person in the United States, including the president and including all the members of Congress, who understands what those figures mean. Figures that immense are beyond comprehension.

But with a Balanced Budget Flat-Rate Tax, the president would be able to say, "I propose to the Congress a budget of 'x'-many cents out of every dollar you earn." That, everyone would understand.

NEVER AGAIN should the word "billions" be used except in the Budget Appendix. There would be no deficit to leave behind to be paid by the hidden tax of inflation, or to be paid by the sleeping tax of the national debt left to awaken in generations forward if not in our own.

And the president would be able to itemize to the Congress and to the citizens, how many pennies and fractions of pennies will be going to each department and agency of government. He could say something like "three cents will go for defense, and 6 1/2 cents for Health and Human Services, and one cent for the Environmental Protection Agency," and so on.

Does the average taxpayer today know if the Environmental Protection Agency should have a budget of $628 million or $10 billion or $112 million? Of course not. Yet people will demonstrate for more money for the Environmental Protection Agency without having any idea what the right figure should be. They don't even know if they are for or against what they are demonstrating for or against, because the figures involved are beyond comprehension.

BUT WHAT if we could ask this: is it worth another cent to be taken from every dollar that each wage earner receives to have an increased budget for the Environmental Protection Agency? Another half cent? Another tenth of a cent? If you make $30,000 a year, do you want to spend three hundred dollars more for that agency? Is it too much or too little?

We would get to that point by having a revenue-neutral flat-rate tax during a transition period in which spending is reduced. The Congress would now have a personal political incentive to reduce spending. (A moral and ethical incentive has obviously not worked.)

The subject of the budget and the subject of taxation would no longer be two subjects, but one, as it should be. The nation's work force is presently involved only in the taxation process while the spending process is intentionally held as a mystery. But with one Balanced Budget Flat-Rate Tax everyone will be able to understand what every figure in the budget means, and the budget process will be naked. The mystery will be gone. There will never be an excuse for an unbalanced budget and no politician will be able to talk about $74,840,688 to spend for some project while the public doesn't know what he's talking about and, in fact, the poli-

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tician doesn't know what he's talking about. Instead, the politician will have to ask the wage earners of the nation to contribute a set amount from each dollar they earn for the project he advocates.

National Health Insurance or National Defense; no one will be able to make it sound as though federal funds are being used, since the term "federal fund" will be extinct. They are *taxpayer* funds. And the truth of that will hit like dynamite every time a politician sounds compassionate or sounds cold-blooded. For once we will all be talking the same language.

In addition, in time, a small percent should be added to the Balanced Budget Flat-Rate Tax to contribute towards the payment of the already accumulated national debt.

AT PREVIOUS Senate Finance Committee hearings about a flat-rate tax, the argument against such a plan and the argument for retaining progressivity was that although a flat rate would ensure that the wealthier paid more because their income would be more, that the wealthier should give a higher percent. In short, that they should be fined a higher percent because they could afford a higher percent.

But afford it by whose standards? Fairness should dictate that all taxpayers in this nation have the right to pursue whatever ambition they may want without unequal treatment by government because of the choice of that ambition. And if someone's ambition is to become a millionaire, why should that ambition be disproportionately punished? Senators want to be senators and after winning an election they don't want the government saying, "Since you have a six-year term, we are going to take two years away and give those two years to the people who did not win the race." Becoming a senator is their ambition. Becoming a millionaire is someone else's ambition.

Within the testimony of the progressivity advocates, the word most frequently used was "compassion" as a reason for that progressivity. But, in truth, they advocated a continued use of theft; theft by taking a disproportionate amount from those who sought and won the particular goal of their choice and, worst of all, theft from the unborn by Congress's terrible irresponsibility in passing on debts that the unborn did not accumulate.

We owe it, and we should pay it while we are alive.

IF WE are worthy of our country and worthy of our time on earth, then we should ensure that those Americans who follow their legitimate pursuits, and those who are not yet born, are free from a tax code written in greed: greed that wears the ill-fitting disguise of compassion.

If this plan would be established, could the Congress keep spending more and then just raise the tax? That's what we have now even though we don't know it. The present tax code gives the public no way to figure out the horror of government spending because such spending only touches them as taxation later on. This is why the public allowed Congress to get the nation into almost four trillion dollars worth of debt. Did we realize that it would have to be paid? And by us? Or the next generation? But if we pay-as-we-go, the public will demand reductions in government spending because such reductions will be the only way to reduce present taxes. We feel it immediately — as we should to control it.

The mystery of the budget and the mystery of taxation will disappear and as both subjects become one subject, that subject will be clear as a bell to everyone in the nation. With the mysteries gone, the power will be back in the hands of the citizen.

A BALANCED BUDGET Flat-Rate Tax is pure justice; each person paying an equal percentage of earnings so that our government may pay for what we, as a nation, need to buy.

But, of course, there are seven things wrong with that idea. CPR

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Campbell: Bring Back the Economy

(Continued from page 13)

federal bank regulating agencies would make a great start to turning this around. When banks lend again, the recovery will begin. Until then, no amount of lowered interest rates will make any long-term difference.

Japan taxes long-term capital gains an average of 5 percent. Germany, Taiwan, and Singapore have no tax on long-term capital gains. America taxes them at 28 percent. Which countries are going to be attracting new businesses in the '90s?

Cutting the Capital Gains Tax

We could boost the economy overnight by reducing the capital gains tax. Capital gains relief will help the entire nation by allowing businesses to expand and entrepreneurs to put new ideas into action.

It has become "politically correct" to argue that a capital gains cut is simply robbing from the poor to give to the rich. Nothing could be further from the truth. A capital gains tax cut will indeed help wealthy individuals who have money invested, but not at the expense of the poor. The evidence shows a capital gains tax cut will help all Americans by spurring the economy and keeping jobs in America.

CONSIDER THE risk-taker. A large majority of the new jobs in America are created by small business. Suppose you want to set one up. You invest all you have into the business. It succeeds, and you want to sell part of it. You have been paying taxes all along on the earnings of that business, but now you have to pay the federal government 28 percent of whatever you get from the sale. Of course, you didn't have to take that risk. You might have stayed employed somewhere else, rather than take a chance on the American dream of success. The federal government certainly encourages you to stay where you are.

America is not alone in the world. Many countries now have skilled work forces capable of manufacturing virtually everything we do. Japan taxes long-term capital gains at an average of five percent. Germany, Taiwan, and Singapore all have no tax at all on long-term capital gains. America taxes them at 28 percent. Which countries are going to be attracting new businesses in the '90s?

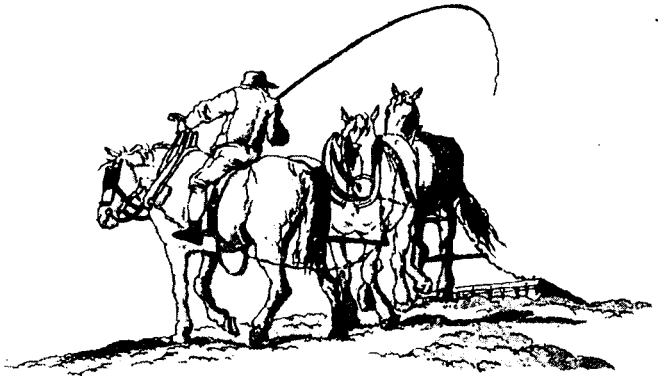
To maximize the impact on the economy, we should both cut the basic capital gains tax rates and create a special capital gains tax incentive for investments in the start-up companies on which America will be depending for millions of new jobs in the '90s.

Restoring IRA Deductibility

We should restore full deductibility for Individual Retirement Accounts. Before they were sharply curtailed in 1986, IRAs allowed millions of workers to put money away for their retirement years. Perhaps even more importantly, IRAs benefited American society by increasing our savings rate.

The U.S. savings rate is now far lower than the savings rates of our main trading partners and easily the lowest among the "G-7" group of industrialized nations. America saves 4.7 percent of its disposable household income. Meanwhile, Japan saves at a 15 percent rate. West Germany saved at a 12.5 percent rate before unification (the latest figures available). Canada saves 12.4 percent. France's savings rate is calculated in a different manner but is near the level of Canada and Germany.

Banks must be encouraged to lend out the money that comes in from new IRAs. In this way, savings



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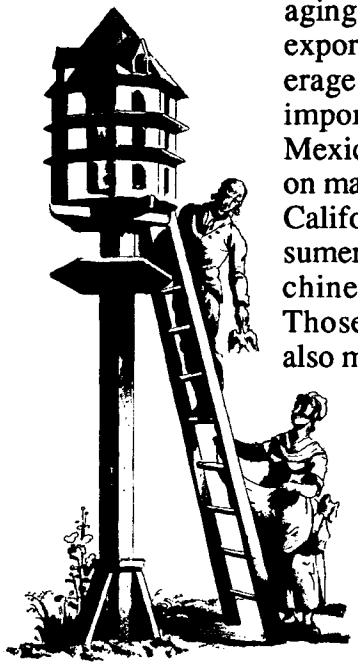
for the future can have a beneficial impact on jobs today.

Free-Trade With Mexico

A North American free-trade zone will allow American businesses to expand into new markets and produce more, better jobs for American workers. The U.S. Labor Department estimates that over the next decade a Mexican-American free-trade agreement will result in a net increase of 44,000 to 64,000 American jobs — a large percentage of which will be in California. It will also reduce prices for U.S. consumers. There will be some job loss in some sectors, but, overall, the U.S. economy will greatly improve.

Mexico is ripe for U.S. exports. In the short time since Mexico joined the General Agreement on Tariffs and Trade (GATT) and began lowering its trade barriers, California exports to Mexico have more than doubled — from $2.3 billion 1987 to $4.7 billion in 1990. The U.S. Trade Representative estimates that each $1 billion worth of merchandise exports generates more than 20,000 U.S. jobs — meaning that Mexican trade liberalization has helped create some 50,000 new American jobs in less than five years, many of them in California.

AS FAR as Mexico has come in opening its markets, it will go much further under a free-trade agreement. Right now, Mexico places tariffs averaging 10 percent on goods we export. In comparison, the average U.S. tariff on Mexican imports is just four percent. Mexico maintains high tariffs on many products important to California, ranging from consumer electronics to large machinery to dairy products. Those will vanish. Mexico also maintains a restrictive import licensing regime, which affects more than 40 percent of U.S. agriculture. That, too, will largely disappear. The Mexican investment market will also open, meaning American companies will be much freer to invest there. Our companies will be able to gain market access, expand their market shares, and develop the flexibility necessary to respond to changing international economic conditions. Equally important, Mexico will gain from the agreement as well, and that means less pressure from illegal immigration as jobs become more available in Mexico.



Insisting on Equal Treatment for the United States Overseas

A free and fair world trade market is of enormous value to all nations. New products can be developed. Jobs can be created. Businesses can be expanded. The energy and capital of bright individuals can be put to their best possible uses on a global scale. Our goal must be a truly free international trade market. But it is neither right nor smart for America to put out a welcome mat for nations that lock the front door and turn out the lights when American businesses call. The United States is far more open to foreign goods and investment than virtually all our major trading partners.

We should apply a simple rule: Let's be open to investments and goods from other nations to exactly the same extent that those nations are open to American investments and goods. This concept, reciprocity, is particularly well-suited to prying open foreign markets. Nations that welcome U.S. products and investments will continue to see their own products and investments welcomed in America. Nations that restrict U.S. trade will be assured that America will lift its barriers on them as soon as they lift their own. The rule will give our trading partners a clear, powerful incentive to welcome U.S. goods and investments. And that means more jobs in America producing those goods and more income flowing back to America from profitable investments worldwide.

Reducing the Number of Frivolous Lawsuits

America is suing itself to death. These lawsuits waste time, human energy, and financial resources — all of which could instead be devoted to reviving the economy.

The problem is particularly acute in California. Our state's reputation for being the place to try out a new legal theory in a lawsuit was cemented during Rose Bird's tenure as Chief Justice of the Cali-

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fornia Supreme Court. The state's litigation-happy environment is a major reason so many businesses are leaving California for other states.

To eliminate the most frivolous cases, we should adopt a version of what is done in English courts. The English rule says that if you sue, and you lose, you are responsible for paying the court-room legal fees of the person you sued. We should adopt that here, at least up to the level you were willing to pay for your own attorney. Suddenly, people will have to consider the full costs of bringing a lawsuit. Such a system will discourage people from suing unless they truly believe they have a solid case.

Let's be open to investments and goods from other nations to exactly the same extent that those nations are open to American investments and goods.

Enacting a Line-Item Veto

The federal budget deficit is the single biggest reason we are in a recession. Unnecessary spending has forced government to borrow $3.5 trillion that could have been spent much more wisely in the private sector. Government needs to stop gobbling up the investment capital that could bring us out of the recession.

A line-item veto will be a simple, effective stop to allow the president to cut the most egregious examples of wasteful spending — like the $1.7 million being spent this year to turn a Miami street into an "exotic garden," the $6 million to upgrade the subway that connects the Senate office buildings to the Capitol across the street, to the hundreds of other examples like those that used to win the annual Golden Fleece Awards. Congress knows the president would veto these items individually, so legislators attach them as riders to bills he either favors or must sign. Such an effort is nothing less than a deliberate attempt to circumvent presidential authority.

WORSE YET, it is an attempt to squander money that could have been used to revive the American economy. The $1.7 million for the "exotic garden" is $1.7 million that could have been left for private investment in start-up companies. The $6 million for the Senate subway could have been spent by growing businesses seeking to expand into new fields now dominated by our foreign competitors. Tens of billions of dollars are wasted every year, when they could have been left in the hands of men and women who would use the money to rejuvenate the economy. Thirty-seven state governors have the line-item veto. The president should have it too — for the sake of the American economy.

Establishing Term Limits for Congress

Finally, to protect the American economy down the road, we need to limit the number of terms U.S. representatives and senators can serve.

America is in this recession in large part because individual members of Congress have been too concerned with bringing home the bacon and not concerned enough with strengthening the economy of the nation as a whole. Term limits will help put an end to this mindset.

MEMBERS OF Congress who are not constantly preoccupied with reelection are more free to vote in the national rather than parochial interest. I have seen this phenomenon myself. Representatives in their last terms are much more likely to vote against pork-laden spending bills that are wasteful, but nonetheless politically popular.

Putting an end to the bring-home-the-bacon mentality will allow America to devote fewer resources to pork and more to the true economic needs of the nation.

Americans are feeling the pain of the recession. The evidence is all around us — in the unemployment rate, in the difficulty of obtaining loans, in the lack of new and better jobs, in the tremendous obstacles to starting new businesses, and in the general sense of stagnation so many feel.

But we can turn this recession around. We can set America back on the road to the types of exciting new opportunities that have characterized the last 45 years. We can restore a sense of productivity, prosperity, and pride. The American economy and the American people are ready; Washington should either help or get out of the way. CPR

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Forum

The ACLU v. The Boy Scouts

The American Civil Liberties Union, with Orange County attorney James Randall, last year sued the Boy Scouts of America saying the Scouts violated California's Unruh Civil Rights Act by requiring Randall's twin sons to take that part of the Scout Oath that refers to a Scout's "duty to God." Though the twins' father was quoted as saying "all William and Michael Randall are seeking . . . is the opportunity to put those uniforms back on," the case, now in the hands of a Superior Court judge, raises several critical issues. Can the Unruh Act, which prohibits discrimination by "business establishments," be applied to the Scouts? Does the Act supersede federal and state constitutional guarantees, invoked in their defense by the Scouts, of free assembly and religious freedom? Is the ACLU, in this and similar cases, doing what it so often condemns: imposing its morality on others? Los Angeles attorney and Reason Foundation Board member Manuel S. Klausner, who has extensive experience litigating Unruh Act and First Amendment cases (but is not involved in this litigation), discussed the Randall *case recently with* CPR.

***California Political Review**: What is at issue in this case?*

Klausner: The case raises the broad issues of our rights to privacy and freedom of association.

***CPR**: These issues could be raised either by the ACLU or the Boy Scouts, correct?*

Klausner: In the past, in a variety of cases, the ACLU has taken strong, principled positions against arbitrary or inappropriate infringements of personal liberty. But in recent years it has reflected a very different perspective.

I think one of the ACLU's objectives today is to impose its own moral views on citizens who happen not to agree with it. In this case, for instance, it almost looks like coerced political correctness for the ACLU to litigate to prevent private citizens from being allowed to carry on their affairs on a voluntary basis free of government intrusion.

***CPR**: But would they not answer that no one is expecting the rest of the kids to denounce God or religion, only that these kids should not be forced to make a religious affirmation?*

Klausner: But the Boy Scouts — or the Cub Scouts in this case — is a private organization. It is a hallmark of liberty that private organizations should be free to discriminate in choosing their members according to any standards they want to use — religion or race or any other arbitrary or non-arbitrary factor no matter how invidious or sordid. If the group is truly private the basis for selection or rejection should be up to the group itself.

***CPR**: How do you define "private"?*

Klausner: "Private" means individual or group actions that are *of* the entity or *of* the individual and without significant involvement or support or control by the state.

***CPR**: But is it not illegal now under a variety of laws — including the Unruh Act — for private entities, businesses especially, to discriminate on religious, gender, and other grounds?*

Klausner: That's correct. But this is an unfortunate development that has accelerated since the 1960s on both the federal and state levels. The underlying principles involved were far better served in earlier cases. You have, for example, Supreme Court decisions written by such strong supporters of personal liberty as William Douglas or Thurgood Marshall that held that precluding government from interfering with private clubs or groups was a fundamental protection under the First Amendment.

***CPR**: Is the case against the Boy Scouts, among other things, an attempt to increase the reach of government anti-discrimination controls beyond business to apply them to non-commercial private organizations also?*

Klausner: That's right. When the U.S. Supreme Court has considered the constitutionality of anti-discrimina-tion legislation dealing with private clubs, the central question has been whether the groups are

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truly private — are of a non-business, non-commercial nature — or have a significant business aspect to them. Recent decisions have blurred the distinction between private conduct and state action, in upholding anti-discrimination ordinances that apply to private clubs with a business connection.

***CPR**: Such as Rotary?*

I think one of the ACLU's objectives today is to impose its own moral views on citizens who happen not to agree with it.

Klausner: Right, or the Jaycees, for example. In a 1988 case involving the application of New York City's public accommodations ordinance to private clubs, the Supreme Court rejected the freedom of association challenge on the ground the clubs involved had a strong business connection.

***CPR**: Why do these laws and rulings distinguish between business and other activities?*

Klausner: It's a mistaken belief that activity with a commercial or pecuniary motivation somehow is not entitled to the full scope of constitutional protection.

***CPR**: Is that because the First Amendment specifically mentions religious freedom and thereby seems to be setting matters of conscience, so to speak, on a different plane from everyday, mundane pursuits like making a living?*

Klausner: Religious liberty of course is protected by the Constitution, but the First Amendment also protects speech. Since the mid-1970s, the court has differentiated business or "commercial" speech, placing it on a lower level of protection than speech with political, entertainment, or artistic purposes. But the First Amendment, of course, makes no such distinction. The court just invented it, and I think it is totally wrong.

***CPR**: Is the Scout case, in a sense, an attack on this double standard?*

Klausner: I think the idea that government can treat business or commercial conduct with less respect and less protection is very dangerous for a free society, and this invidious approach may culminate in the politicization of all private conduct. It's a hallmark of such police states as existed in Eastern Europe and the Soviet Union that private conduct is subject to control by the state. It is the antithesis of liberty to politicize private conduct. Unfortunately, the ACLU is accelerating a trend toward that kind of politicization in the United States.

The first major case on this issue predated the ACLU's founding, which took place about 1920. In 1883, the Supreme Court considered the constitutionality of the Civil Rights Act of 1875. The court set forth the essential dichotomy between discriminatory action practiced by the *state* which is clearly prohibited — and ought to be — by the equal protection clause of the 14th Amendment, and conduct by *private individuals* or *private entities* which, however discriminatory or wrongful or immoral, is *not* banned by the 14th Amendment. This crucial distinction between state and private conduct was applied consistently in ensuing years.

In 1972 the Supreme Court considered a challenge to a private club, the Moose Lodge, that refused to serve blacks. It was argued that the Lodge's liquor license from the state of Pennsylvania transformed what would otherwise be private conduct into state action subject to regulation. The court rejected that argument in a 6-3 decision. The three dissenters, by the way, were Justices William Douglas, William Brennan, and Thurgood Marshall.

In his dissenting opinion, Justice Douglas said: "My view of the First Amendment and the related guarantees of the Bill of Rights is that they created the dichotomy which precludes government from interfering with private clubs or groups." He went on to say that "the associational rights which our system honors permit all white, all black, all brown, and all yellow clubs to be formed; they also permit all Catholic, all Jewish, or all agnostic clubs to be established." Remember, this dissenting opinion was joined by Thurgood Marshall. It also says, "government may not tell a man or woman who his or her associates must be. The individual can be as selective as he desires, so that the fact that the

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Moose Lodge allows only Caucasians to join or come as guests is constitutionally irrelevant, as is the decision of the Black Muslims to admit to their services only members of their race."

But Douglas dissented in this case because he believed that when the government issued a license to the Lodge it placed the Lodge's activities in the category of state action. I disagree, as did a majority of the court. But, unfortunately, since 1972 we've seen a relaxation of respect for this critical distinction recognized even by the dissenting opinions in *Moose Lodge*, particularly in cases involving private business organizations.

***CPR**: The ACLU's founding purpose was protecting personal liberty from violations by government. Does this effort against the Boy Scouts stand that purpose on its head?*

Klausner: The ACLU began to become politicized and increasingly lost its moorings in the mid-1960s. In the last 25 or 30 years, it has litigated a number of cases that absolutely fly in the face of its original objective of protecting individuals from government interference in their private lives.

I was involved in a recent case that I like to describe as one in which I defended the First Amendment against the ACLU of Southern California. They attacked press freedom in that case. Another case involved a client of my law firm, Six Flags Magic Mountain. The ACLU of Southern California filed a suit against the theme park saying the park's security procedures violated the state's Unruh Act. In an effort to keep gang members and people with weapons from entering the park, Magic Mountain used a profile which focused, in part, on those wearing gang insignia or gang colors. The ACLU called this unlawful discrimination and said the state should put a stop to it. Though the ACLU agreed to a settlement which allowed Magic Mountain to continue its security procedures, its filing the suit reflects a twisting of the ACLU's original purposes.

Unfortunately, in cases such as these, the ACLU has shown little respect for associational rights, as well as property rights and economic liberty.

I do feel that under their new president, Nadine Strossen, the national ACLU will strive to serve the interests of liberty in the principled way it generally did during much of its existence — with some notable exceptions in the economic and civil rights areas. But the national ACLU does not control the local organizations. And the ACLU of Southern California has been the leader among local ACLU organizations in working to erode individual rights while imposing conformity on people whose conduct they find disagreeable. It is appalling to see in the Scout case that the ACLU of Southern California has taken the position that the right of privacy of parents in their own home might be limited merely if they use their home for den meetings with four or five boys.

***CPR**: Considering the legal issues in the* Randall *case, can you predict its outcome?*

Klausner: I think the Scouts have a good prospect of prevailing in the California courts because the Unruh Act, by its language, applies only to business establishments. It is true that in the 1980s the California Supreme Court substantially expanded, or loosened, the meaning of "business establishment." In the 1985 *Isbister v. Boys' Club of Santa Cruz* case, the court applied the Act to the Boys' Club, and, in a 1986 decision, to Rotary. But it isn't at all clear that the court will consider the Boy Scouts a "business establishment" under the Unruh Act. In fact, the *Isbister* ruling expressly reserved the issue of the Scouts while it focused on the Boys' Club's single-purpose activity: operating a community recreational facility, with a swimming pool and gymnasium, which was open to all boys between eight and 18. The Scouts are plainly different in terms of their structure and values. But still, a recent lower court decision, in the *Curran* case, held that the Scouts *are* covered by the Unruh Act. *Curran* involves a gay man who wanted to be a Scout troop leader over the Scouts' objections. There, the Los Angeles Superior Court held that the Unruh Act *does* apply to the Scouts as a business establishment.

***CPR**: Another Unruh Act controversy is over what constitutes "arbitrary discrimination" banned under the Act. Might that also be involved here?*

Klausner: Yes. Just as the court had expanded the

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meaning of business establishment, it also expanded the meaning of "arbitrary discrimination" starting with a 1970 decision that said a shopping center could not exclude a long-haired hippie from loitering on its premises, even though that wasn't specifically mentioned as prohibited in the Unruh Act. In effect, the court said *any* arbitrary discrimination was prohibited whether or not the Legislature expressly referred to it — a vast, unfortunate expansion.

But last February, a California Supreme Court decision (in *Harris v. Capital Growth Investors XIV*) took a much narrower view of the Unruh Act. The issue in *Harris* was an apartment owner's minimum income requirement for tenants. The plaintiffs, who wanted to rent, argued that the requirement arbitrarily discriminated against women because their earnings average less than those of men. Chief Justice Lucas's opinion traced the history of the Unruh Act and of judicial decisions interpreting it and concluded that it calls for *intentional* discrimination, that disparate impact is not sufficient, and that a landlord's minimum income policy is not arbitrary. Justice Broussard dissented calling it outrageous that the Unruh Act is now being limited contrary to prior case law.

***CPR**: Do Randall and the ACLU face an additional hurdle? Even if the court rules that the Unruh Act applies to the Scouts, might it not also rule that the Scouts' First Amendment rights to freedom of religion and of association supersede the Act?*

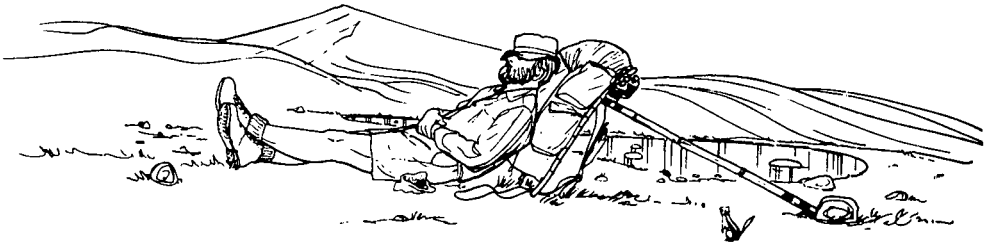
Klausner: Yes — that is a very important point. The Scouts have effectively raised those constitutional claims. There was a second decision this year from the trial court in the *Curran* case involving the gay man who wanted to be a troop leader. After the Superior Court judge ruled, in 1990, that the Unruh Act *applied* to the Scouts, in 1991 the *same* judge said Curran was entitled to no remedy — Curran lost the case — because the Unruh Act conflicted with First Amendment rights to free association. The constitutional right outweighed Curran's statutory claim.

***CPR**: A California Appeal Court made a similar ruling last year in* Donahue v. Fair Employment and Housing Commission, *correct?*

Klausner: Very similar. The Donahues, who owned an apartment building, declined, on religious grounds, to accept a rental application from an unmarried man and woman. The young couple sued under the Unruh Act but the Donahues prevailed even though the court said the Unruh Act *did* apply. The court said the Donahues' constitutional rights to religious freedom took precedence over the statutory claim under the Unruh Act. So, even if the court says the Scouts violated the Act in the *Randall* case, their chances of winning anyway on constitutional grounds are good.

The ACLU of Southern California had its own comeuppance when it lost a recent case awarding damages against *it because a police officer was ejected from a public ACLU meeting.*

I would like to add that I think it is very important for groups interested in preserving liberty, especially the ACLU, to remember not to trample the rights of individuals acting in their private lives even if those individuals have views, such as a belief in God, that these groups don't like. What they win today might turn loose something they won't want to deal with tomorrow. The ACLU of Southern California, for example, had its own comeuppance when it lost a recent case awarding damages *against* it because a police officer was ejected from a public ACLU meeting. Ironically, the ACLU made the same arguments about infringement of *its* free association rights it is attacking in the Scout case. The ACLU of Southern California should return to guarding the Constitution — not undermining it. CPR



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Criticus

Trafalgar Square Revisited

G.B. Tennyson

I SHOULD HAVE known there was trouble ahead. I had just spent a quiet but intellectually stimulating winter week in Sussex with the last surviving, and surely the greatest, of the Oxford Inklings, Owen Barfield. Still sage and still alert at 93, he lives in retirement very near Ashdown Forest, the same in which Christopher Robin and his cohorts looked for honey and adventure. But Barfield and I talked rather more of his ideas and writings and of his long friendship with C.S. Lewis (see, better yet order, for yourself, and get your library to order, my edition of *Owen Barfield on C.S. Lewis*, University Press of New England, 1990, a collection of essays and reminiscences without which no Lewis enthusiast can hope to get on).

One happy day during my stay we were joined by the estimable Walter Hooper, the ultimate C.S. Lewis specialist, who is even now engaged in preparing an edition of Lewis's letters, having already given us more excellently edited volumes of Lewis's writings than posterity has any right to expect of one human being.

The weather had been unusually cold, dropping into the mid-teens even where I was in extreme southern England, an uncommon occurrence. Most nights and mornings were swathed in a phenomenon called freezing fog, a treacherous matter on the highways but luminously beautiful in the country. One wakes to a world enveloped in pure cool white-grey and then sees the fog slowly lifting to reveal a landscape entirely iced over, every leafless branch silvered, the steeple on the village church a spire of ice, and the distant uplands known as the High Weald shimmering with a crystalline radiance. Perhaps it was all the C.S. Lewis talk that made the scene appear to have stepped out of the pages of *The Lion, the Witch, and the Wardrobe* and that led me to feel a powerful *Sehnsucht*, a yearning, for the world of the White Witch of Narnia, whose evil enchantment made it always winter and never Christmas. "Winter kept us warm," one heard oneself saying in echo of the ominous sentiment from Eliot's *Waste Land*, and one imagined gliding about the icy landscape in a royal sleigh.

SO ALL that lustrous freezing fog should have been a sign. As indeed should have been even earlier on the plane the horrible realization that I had left my raincoat with its heavy zippered lining on the airport bus in Van Nuys; and there I was flying into winter. But I had corrected that unfortunate oversight by repairing at once to a department store in Victoria Street immediately upon making my way to Victoria Station from Heathrow. There I bought a handsome new raincoat at a stiff price (the dollar being quite sickly vis-à-vis the pound) and had the added benefit of being able to stop in and light a candle for thanks at Westminster Cathedral on my way back to the station. I especially favor on these excursions the chapel dedicated to St. George, which also contains in a glass case the shrivelled but preserved body of (I think it is) Blessed John Southworth, decked out in brilliant crimson garments and tiny black slippers, the whole ensemble making the chapel most sightworthy.

There, too, at the cathedral I saw a sign: the ubiquitous homeless person dressed as a kind of continental beggar sitting in the vestibule, his hand-lettered notice and his bowl for alms at his side. In Italy or France such sights are not only normal but somehow a sign of good luck. But as the gentleman said during the Trafalgar Square riots of unhappy memory, "Good God, man, this is England. Such things don't happen here." Still, I gave the beggar my equivalent of a sou, the new five pence piece, which is in fact worth much more than a sou, but which is so tiny and so repulsive in appearance that it rivals even the loathsome American dime, which in turn is exceeded for nastiness only by the Dutch dime. So I managed to do the right thing for the wrong reason.

But all these signs and portents actually quite passed me by at the time. I only began to realize that

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something might go amiss when I got back to London after the Sussex winter idyll and while browsing in the estimable book shop in Piccadilly known as Hatchard's (three floors, many mansions, and all full of books, no notions, notepaper, greeting cards, or souvenirs in sight) found myself face to face with the volume *Jeffrey Bernard is Still Unwell*. Both my constant readers will remember that it was during my excursion to see the play *Jeffrey Bernard is Unwell* that I ran afoul of the anti-poll tax rioters who were misbehaving all over Trafalgar Square across which my route lay ("Trafalgar Square Is Unwell," *CPR*, Spring 1990).

This latest volume is simply a further collection of Bernard's columns for the *Spectator*, which I see regularly anyway and hence should be no surprise. Besides, the play has long since closed in London, though a company is now touring Australia with it. But since I associate Bernard with my unfortunate encounter with the Trafalgar Square loony left, I gave a little start at seeing his somewhat cadaverous face staring out of the cover of the book at me. (I should note here for those not familiar with Bernard that, as he tells it in his column, his miseries and misfortunes make mine look like a streak of pure good luck). But there he was: surely there was trouble ahead.

AND OF course trouble there was. In rather dizzying fashion (I cannot say "sequence" because I am no longer clear on the order of things) there was a mysterious fire on the train lines leading into Charing Cross Station close by which I was staying. There was also a bomb courtesy of the IRA at Clapham Junction station through which I had just passed in coming into London. Then there was yet another mob scene, this one at the Charing Cross Hotel hard by Trafalgar Square and part of the complex containing the station of the same name, hence once again just round the corner from me, all because Jean Marie le Pen had come over from France to alert the British to the threat of unlimited immigration, and this had brought out, though in much smaller numbers, many of that same convocation of "Cruels and Hags and Incubuses, Wraiths, Horrors, Efreets, Sprites, Orknies, Wooses, and Ettins" that had made Trafalgar Square so unpleasant in March of 1990.

The next day I had to meet a colleague just off Tottenham Court Road and found that the IRA had a few days before bombed Heal's Department Store across the street. That day the IRA bombed a shopping center in north London. That night I went to see the current Ayckbourn play (there is always a current Ayckbourn play running in London) at the Strand Theatre. Just after closing there was a murder of a policeman in a street adjacent to the theater and a huge cohort of police fanned out all over the neighborhood in search of the assailant. The next day, I think it was, I found the Underground exit next to Harrods closed and heavily policed, presumably because of suspected IRA activity, the IRA having a fondness for Harrods exceeding even my own, though theirs for entirely reprehensible reasons.

Jean Marie le Pen had come to alert the British to the threat of unlimited immigration, and this had brought out that same convocation of 'Cruels and Hags and Incubuses, Wraiths, Horrors, Efreets, Sprites, Orknies, Wooses, and Ettins' that had made Trafalgar Square so unpleasant in March of 1990.

Then the freezing fog rolled again into the very center of London and reproduced all but one of the conditions that used to bring about the famous London Particular, the impenetrable fog that permanently swirls through our image of the world of Sherlock Holmes, only this time, coal fires having been banned after the killer smog attacks in the mid-'50s, the fog was not yellow, but the same otherworldly grey that it had been in the country.

ALAS, THERE was a new threat connected with it in the city. The fog was so dense and clung so close to the ground that not only could one not see across a city street, but noxious emissions from automobiles were also held close to the ground and registered the highest ever recorded since air pollution measurements were instituted about 20 years ago. Fleeing from the streets and the coughing and choking pedestrians, I sought refuge in late afternoon in the new Sainsbury Wing of the National Gallery in, where else? Trafalgar Square, there

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to view the new structure and the exhibition of the Queen's Pictures, a splendid collection of paintings lent by the monarch. In the late hours of that night an IRA bomb went off in that very wing of the building, fortunately damaging only the gift shop. I read about it with some dismay in the morning papers which I perused in the lounge of the Royal Commonwealth Society which itself was being forced to close in a week and to disband its unparalleled library of the history of the British empire, all of which meant yet another calamity at my doorstep.

BY NOW I was beginning to suspect that perhaps I was part of the problem, though I think I am right in ruling out any responsibility for the deserved collapse of the Robert Maxwell empire which was going on at the same time. What to do? Well, obviously I had to ascertain the cause of it all. I saw it at once: it was my unseemly sympathy for the White Witch and her imposition of eternal winter without Christmas. I had become a kind of Edmund, the betraying child in the Lewis story. There was only one way to exorcise this demon, and not even veneration of Blessed John Southworth would do. No, I must go to the pantomime of *The Lion, the Witch, and the Wardrobe*, which for three years now has been running during the Christmas pantomime season and looks like becoming a permanent fixture.

Of course it worked. Being the only adult without the accompaniment of a child or indeed of a whole schoolroom of children in a theater packed with the squealing little ones was an appropriately sobering experience. Everyone looked at me suspiciously as though, even in my new overpriced raincoat, I might well be some sort of flasher or child molester. But once the play got underway and once the Queen of Narnia, Jadis, the White Witch herself, commandingly appeared and worked her evil, all noise ceased and all of us hung upon the story and all of us lamented that it was always winter and never Christmas and thus rejoiced to see in the end the Witch overthrown and Aslan restored to life, the snow melted, and goodness and mercy once again triumphant.

The next day the fog was gone, a brilliant winter sun shone upon the towering Norway spruce that is annually placed in the center of Trafalgar Square, and not a Cruel or Hag was to be seen anywhere. Life at last was imitating art. CPR

BOOKS

Using American Power

Seize the Moment: America's Challenge in a One-Superpower World, by Richard Nixon, Simon & Schuster, 322 pages, $25.00, cloth.

Reviewed by Peter Hannaford

RICHARD NIXON gets to the thesis of his latest book without delay, writing, "The skillful use of American power represents the best hope for advancing freedom and preserving peace. Only if we learn the right lessons from the dramatic developments of the last three years will we succeed in securing our interests and promoting our values."

He proceeds to tell us that among the lessons to be learned are the rejection of three facile and superficially appealing but fundamentally wrong notions: The myths of the end of history, the irrelevance of military power, and the decline of America.

As for the collapse of communism meaning the end of history "as the armed rivalry of opposing ideologies," Nixon contends that the triumph of democracy and market economics has been overstated. He points out that since the end of World War II, some 22 million persons have died in "small wars" and that most of them would have died if there had been no superpower confrontation. "We should never underestimate the unpredictability of history," he says.

This concern underlies his warning that we must not assume that the elimination of the Soviet threat

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and the rise of global economic interdependency can substitute for the deterrence of future aggression that is represented by military power. He cites the world's uncertainties — regional conflicts, the disposition of Soviet arms and the unexpected rise of megalomaniacs here and there — as evidence of the need to avoid rushing into all-out disarmament of the sort that followed World Wars I and II.

'Idealism without realism is impotent,' Nixon writes. 'Realism without idealism is immoral.'

IS AMERICA in decline, as some academics contend, using the theory of economic determinism to compare the United States with previous great powers that were eclipsed? Nixon, whose contempt for leftish academics is about on a par with that which he holds for the foreign policy establishment, puts down this third myth: "While drawing such comparisons may be an interesting exercise in intellectual gymnastics, it creates false parallels and reveals shallow reasoning." He says the United States still retains a dominant position in the world economy, citing facts and data to make the point that it shows no signs of decline.

He warns us of the seductive qualities of "Come home America" isolationism, of putting too much faith in the ability of the United Nations to settle disputes and the dangers of embracing idealism without coupling it with a strong dose of realism. He also dismisses *realpolitik*, cold-blooded realism untempered by ideals.

"Idealism without realism is impotent," Nixon writes. "Realism without idealism is immoral." In charting a course for what he calls "practical idealism," he says the United States must distinguish between its vital interests, critical interests, and peripheral interests and act accordingly. He defines vital interests as ones that, if lost, would directly threaten our security. "Critical interests" are those that, if lost, would threaten our vital interests. In other words, one step removed. Peripheral interests are those we may care about, in terms of our values, but those whose loss would not threaten us.

To illustrate his points, Mr. Nixon takes us on a *tour d' horizon* of the world in chapters headed "The Former Evil Empire," "The Common Transatlantic Home," "The Pacific Triangle," "The Muslim World," "The Southern Hemisphere," and "The Renewal of America." Along the way, little of importance escapes his discerning eye.

ALTHOUGH HE finished the book between the time of the Soviet coup last August and dissolution of the USSR at the end of December, his comments and insights are as timely as if he had written them this week.

BEFORE HIS most recent visit to Moscow, in March 1991, Nixon received State department and CIA briefings about Boris Yeltsin. He relishes comparing these expert analyses of Yeltsin with the briefings he received by the same institutions in preparation for his first meeting with Nikita Khrushchev in 1959. Both men were seriously underestimated by our foreign policy establishment.

Nixon says Yeltsin is a better politician — in the Soviet setting — than Gorbachev. He likens the former to a combination of John Wayne and Lyndon Johnson, and the latter to Adlai Stevenson. Nixon's contempt for the pooh-bahs of Washington is undisguised. He writes, "Yeltsin's resolute leadership of the democratic revolution after the coup made him a world figure and exposed critics in Western diplomatic and media circles as political amateurs."

While Nixon has elegant ways of skewering old enemies, he has praise for those who have set the stage for the opportunities now presented to democratic capitalism, Presidents Reagan and Bush in particular.

In addition to the clarity of his observations, the former president gives us a prose style that is calm, measured, and felicitous. And, he leaves no doubt that, if the next century is to be one of "peace, freedom, and progress," only the United States can lead the world to these things.

"Our moment of truth has ar-

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rived," he says. "We must seize the moment."

Ignorant Savages

The United States of Incompetence, by Art Carey, Houghton Mifflin, 205 pages, $17.95, cloth.

Reviewed by John Attarian

FUNCTIONAL ILLITERACY, S&L scandals, botched repairs, neglected infrastructure, poor product quality, the Challenger and Hubble Telescope fiascos, broken marriages, soaring illegitimacy, intractable deficits, and crack babies — America undeniably has serious problems, and in the eyes of many is in decline.

In this concise, hard-hitting book, *Philadelphia Inquirer Magazine* deputy editor Art Carey argues forcefully and convincingly that America is indeed making a poor showing in everything from government to education to competitiveness to rearing civilized people, supporting his points with a host of vivid anecdotes, statistics, and conversations with scholars such as Amitai Etzioni and Robert Eisenberger. Rather than blame impersonal forces of history such as foreign competition and "imperial overstretch," Carey attributes our decline to a spreading plague of incompetence, broadly defined as "failure to do what you ought to do, either because you can't or because you won't." Some people are incompetent because they are unskilled and untrained; others, because they're "lazy, sloppy, careless, and, frankly, don't give a damn."

John Attarian, an economist and freelance writer, is writing a book about America's decline as a crisis of lost beliefs, especially religion.

Carey attributes our decline to a spreading plague of incompetence, broadly defined as 'failure to do what you ought to do, either because you can't or because you won't.'

Some experts deny that incompetence is rising, arguing that in a complex economy and society, there simply are more chances for mishaps, and failures seem more vivid. But these are only excuses, Carey retorts; if we're so competent, he asks persuasively, why are so many Americans "ignorant savages," why are we hocking the future, why is our governance foundering in the hands of mediocrities who can neither balance budgets nor tackle problems?

While many factors contributed to the rise of incompetence, five are "paramount": the declines of morals, the family, education, the work ethic, and quality. Interrelated and mutually reinforcing, these declines form a causal chain. "The decline of morals has led to the decline of the family; the decline of the family has led to the decline of education; the decline of education has led to the decline of the work ethic; and the decline of the work ethic has led to the decline of quality." And when education, family, work ethic, and quality slip, our *mores* and sense of right and wrong slide too, closing the vicious circle and giving the spiral of decline another turn.

SURVEYING THESE synergistic declines, Carey rightly rejects the fashionable determinist rationalizations of victimology and puts his finger on what is really driving us to ruin: too many people flinch from responsibility and can't be bothered doing what is right but unpleasant or inconvenient.

"Incompetence is primarily an attitude...an acquired characteristic, instilled and fostered by the moral environment. The operative word here is *moral*, for incompetence is

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essentially a moral problem, in the original, most fundamental sense of the Latin word *mores*, meaning 'customs' or 'manners'."

CAREY HINTS at the cause of the attitudinal collapse itself: the death of serious religious belief as a governor of conduct. A society's *mores* are informed and inspired by religion and collapse without it. Without God, Dostoevsky warned, "all things are lawful" – anything goes. Without belief in souls to save, inflexible moral rules to follow, and a judgment to prepare for, the compelling purpose driving virtue of all kinds is destroyed. While Carey unfortunately does not explore this, *The United States of Incompetence* is a brilliant account of what happens when a nation loses its spiritual compass, anchor, sextant, and rudder.

If the root of incompetence is individual backsliding, the cure, Carey argues, is a return to individual responsibility. Looking to government is useless; right beliefs and conduct can't be legislated. Solving our problems, and the incompetence causing them, requires "a resurgence of moral bravery.... We must not be afraid to insist on quality, to assert and defend standards of excellence, to condemn incompetence in all its manifestations." That is, get angry, speak up, get involved. "Too many are depending on us, and too much is at stake, for us to surrender America to the enemies of effort, achievement, and civilization."

SELDOM IS so much truth so courageously and bluntly put in an age of reality-dodging and blame-exporting. Refreshingly forthright, lucid, well-supported, often angry, and overwhelmingly right, *The United States of Incompetence* is a timely warning shot fired across the bows of a ship demonstrably headed for the rocks. May it find the wide readership it deserves.

Aid for Academe

Deconstructing the Left, by Peter Collier and David Horowitz, Second Thoughts Books, 1991, 203 pages, paper.

Reviewed by John Kurzweil

TARGETING COLLEGE students, Peter Collier and David Horowitz have put together a compilation of their articles and speeches in a new book: *Deconstructing the Left — From Vietnam to the Persian Gulf*. Noting that although "all over the world Marxism is a bankrupt political force," paradoxically, at America's elite universities, leftist professors "try to indoctrinate the next generation of Americans in the discredited ideologies of the radical past, portraying this country as a predatory and imperialist power, a wellspring of racism and sexism and of the oppressive culture of dead white European males." Since admitting mistakes "runs against the grain of the left," the authors here try to provide students some perspective, filling in a portion of the history the professors can be relied upon to ignore. The lesson comes in the form of snapshots from the front. The book, according to its introduction, "should be read with the understanding that the pieces which comprise it were written in the heat of political battle. Some were originally given as speeches at the colleges our old comrades have done so much to politicize.... Some were articles that appeared in various magazines .... Other pieces were engagements with the emerging movements of the 'Next Left,' which had risen from the ashes of the movement we had abandoned...." Throughout, they make highly engaging and enlightening reading on radical student politics, Vietnam, Castro, the *Sandinistas*, Angela Davis, Alex Cockburn, Jane Fonda, AIDS, McCarthyism, leftwing racism, radical ecology, and the Persian Gulf War.

Deconstructing the Left, especially for students, but recommended for all. The book sells for $14.95 in bookstores, but can be obtained for $10 ($5 for students) by ordering it directly from David Horowitz at: P.O. Box 2669, Hollywood, CA 90078. CPR

John Kurzweil is editor of California Political Review.

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Burtonmander's Demise

(Continued from page 11)

over the same old moribund ideas would certainly have proven the death of the Democrat party in California. Even Godfather Jerry Brown, now campaigning for president, reportedly admits that the old lines, sealing off the incumbents from any sort of challenge — political, intellectual, moral, or otherwise — brought stagnation to state politics and to his own party.

BUT WITH a Republican governor, no partisan redistricting could recruit sufficient support to prevail, and the matter ended up in the Supreme Court. Again, had the California Supreme Court remained the left-wing stronghold it was under Bird, Willie Brown would probably again have ended up giving thanks to "Sister Rose and the Supremes" for salvaging anti-democratic government in California. But without partisan help from either the executive or the judiciary, the legislative Democrats appear to have been defeated.

Instead, the Court appointed a three-member panel of "Special Masters" — retired judges! (Klugman's and Lemmon's worst fears realized!) The Masters considered several criteria in drawing up their districts, though the most revolutionary aspect was what they did *not* consider: partisan and incumbent interests. That alone meant an earthquake for California politics.

Two overriding concerns they *did* take into account were federal requirements of population equality and the provisions of the Voting Rights Act. According to the Masters' report to the state Supreme Court, the Act prohibits "denying or abridging citizens' rights to vote 'on account of race or color' or membership in a 'language minority group'." American Civil Liberties Union attorney Kathy Wilde (quoted recently by the *Los Angeles Times* in a story about redistricting in North Carolina) says the U.S. Justice Department's current interpretation of the Act "means if you can draw [a minority district], you damn well better." The Masters seem to have shared Wilde's opinion since, after dividing the state into its major geographical regions, their next move was to draw districts that would allow "geographically compact minority populations" maximum "ability to elect representatives of their choice."

After Voting Rights Act and population equality criteria were satisfied, the Masters considered state constitutional requirements that "every district shall be contiguous" and that "the geographical integrity of any city, county, or...region shall be respected." This combination of criteria, and the lack of any instructions from the Court that the Masters should consider political impacts in drawing the lines, doomed the Democrats' hope of winning a new partisan gerrymander. As the Masters put it in their report (in the section headed "Why We Reject Other Plans"): "Even a glance at the maps [submitted to the Supreme Court as alternative redistricting plans by Assembly Democrats] shows many misshapen districts which bypass contiguous populated territory to join distant areas of population...and no reasons are offered to explain the necessity of such departures...." For instance, "District 5 consists of the northern part of Sacramento County, Placer County, and the Lake Tahoe basin. It then goes down the east side of the Sierra and crosses into Madera County over the crest of the Sierra where no road exists. The populated area of Madera County is approximately 130 miles south of the other populated areas of the district."

A LITTLE FURTHER along, the Masters discuss the plan submitted by the Democrat Congressional Delegation, whose members seem to grasp the idea of "respecting geographical integrity" even less well, if that's possible, than their brethren in the Legislature.

> The violations...are even more egregious than those of the Assembly plans. One example will suffice. One Congressional district starts, as best we could tell,* somewhere north of Salinas, makes its way circuitously to the northern fringes of the City of Ventura then crosses into the San Joaquin Valley to take in part of Bakersfield, and finally comes to rest in the Mojave Desert at the San Bernardino County line. Thus, one district takes in parts of

* The following note appeared at this point: "We use the phrase 'as best we could tell' because the maps accompanying the congressional plans were extraordinarily difficult to read and set out each district separately without showing the interrelation between districts. Moreover the submission was made at the last possible moment, so that we had very little time to examine the plans before the public hearings. (Our rules urged that submissions be made as soon as possible.)"

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almost every major geographical region of the state without even a hint of justification offered.

Well, you can't just come out and "explain" political expediency, of course. It's a real tough sell. At least now we know that having disinterested judges redistrict the state rather than leaving it in the hands of very-much-interested incumbents is a good idea. This time anyway, it has placed the choosing of future legislatures and Congressional delegations a good deal more in the hands of the voters than it has been during the past 10 years.

SO WHAT should we expect? Actually, all the fretting from the Democrats aside, there is a good chance they will retain their majorities in both houses of the Legislature until 1994 at least. In the Assembly, where Republicans now hold 34 seats, two of the 34 could well go Democrat: Bill Filante's Marin County seat, which Filante, who is the only Republican at all likely to be able to hold onto it, may be leaving to run for Congress, and Bev Hansen's Napa-area district, where the new lines make it far less safe for the GOP. If the Democrats pick up these seats, Republicans would have to gain a spectacular nine seats in other parts of the state to reach the majority level of 41. Even if President Bush wins a landslide victory, a Democrat rout of such proportions seems unlikely.

In the state Senate (now occupied by 25 Democrats, 13 Republicans, and two Independents), Republican chances are good in Lucy Killea's 39th San Diego-area district and the new 37th district covering a vast area of Riverside, San Diego, and Imperial counties, but beyond that most of the districts offering the GOP opportunities to gain ground won't be on the ballot until after 1992. Democrat Dan Boatwright's new seventh Senate district in Contra Costa County will have 42 percent Republican registration to 46 percent for the Democrats, and so normally would present opportunities, but Boatwright is tremendously popular and unlikely to lose regardless of registration. The fifth state Senate district, running from southern Sacramento down through Stockton and held by Democrat Patrick Johnston, is now 40 percent Republican, but is also 52 percent Democrat. Johnston hasn't Boatwright's political strength, but a 12-point registration lead will be difficult for any challenger to overcome, even starting from 40 percent.

Several intriguing possibilities arise for 1993 special state Senate elections depending upon who does what

this year. One to watch is Wadie Deddeh's 40th district where Deddeh's probable run for Congress in '92 would create an open Senate seat later this year. More possibilities await 1994, but discussing them can wait a little as well.

The greatest potential for dramatic change is in the Congressional delegation. Congressional reapportionment gave California seven new seats last year, at least six of which are in Republican areas and all seven present solid opportunities for the GOP. Even if the Democrats suffer *no* net loss of seats while Republicans pick up these seven new seats, the balance in the delegation would shift from the current 19 Republicans and 26 Democrats to a 26-26 tie. My informal survey of political strategists found agreement, by-and-large, that ending up with 26 seats — half the delegation — would represent only a moderate GOP gain under the circumstances, and that Republicans could well emerge with a majority this year. Nationally, Republicans hope to move from their current 164 House seats to at least 190. New faces from California figure prominently in those plans.

OF COURSE, a major economic catastrophe or even a continuing slow slide in George Bush's or Pete Wilson's popularity could result in significant damage to GOP chances of making progress in either the short or the long term. Another factor — term limits — will certainly scramble everything down the road. By 1996 every current member of the Assembly will be out, as will members of the Senate by 1998. One thing, though, whatever the outcome of legislative and congressional elections the rest of this decade, at least issues and voters will no longer be quite so overshadowed by gerrymandering and incumbency in determining their outcome, thanks to the overdue interment of the Jerry Brown legacy. CPR

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Worth Repeating

Short Takes

ASSORTED WISDOM AND FOOLISHNESS
FROM AROUND THE NATION

Presidential candidate and Arkansas Governor Bill Clinton's middle class strategy analyzed in Paul A. Gigot's* Wall Street Journal *"Potomac Watch" column (January 17, 1992):

...[T]o pay for his middle-class giveaways Mr. Clinton would sooner or later have to cut spending more than he's proposed, or else raise taxes on more than the few saps who make more than $90,000. And guess who that means?

According to IRS numbers decoded by the Tax Foundation, in 1989 a taxpayer was among the top 5 percent of all taxpayers — the richest Americans — with an adjusted gross income of only $77,600. The top 25 percent threshold was crossed at taxable income of a mere $37,064. That probably includes every working American couple, who certainly wouldn't consider themselves "rich." Concludes Paul Merski of the Tax Foundation: "To raise any real money, you have to go the middle class."

The "Current Wisdom" section of February's* American Spectator *kindly shares "the distinguished James A. Michener [making] the case for slavery" last November 24:

The best money I have spent in my life was not that used to make me either happier or more comfortable, but the taxes I have paid to the various governments under which I have lived. In general, governments have spent their share of my money more wisely and with better results than I have spent my own funds, and one aspect of my life about which I am most ashamed is that I spent most of a decade living in three states that had no state income tax — Texas, Florida, and Alaska — and the deficiencies that the first two suffered because of that lack were evident daily. I like states like New York, Massachusetts, and California, which do tax and spend their income wisely.

***Heritage Foundation President Edwin J. Feulner, Jr., interviewed in the Fall 1991 issue of* Policy Review:**

Our fundamental problem with the president was his reneging on his "no new taxes" pledge. He and his people still don't understand how this betrayed the core of the entire conservative coalition. Remember, the conservative coalition is not just another interest group to be placated; it is the base of his support. Our opposition was not a case of conservatives being parsimonious in terms of helping the disadvantaged. It's much more fundamental.... Federal taxation is a measure of the control that government has over people's lives, the limitation of choice that individual people have. And so an enormous increase in taxes is, inherently, something that I and most conservatives oppose, again not because we're cheapskates or tightwads, but because it means that individual freedom has been lessened.

Governor Weld's formula, from* The Wall Street Journal, *January 28, 1992:

Massachusetts' Bill Weld used his State of the State message to announce, believe it or not, a tax cut. Saying he wanted to cast aside "the last vestiges of the old insulting label, 'Taxachusetts'," he proposed that the state's income tax, which was lowered to 5.95 percent this month from 6.25 percent, be further reduced to 5.75 percent this year and to 5 percent by the end of 1994. His critics in once-liberal Massachusetts, still unable to figure out the link between lower taxes and economic incentives, are agog.

And, finally, an atheist considers the ACLU's contribution to religious freedom in "God and Boy in the Scouts," an op-ed column by George H. Smith in* The New York Times *of January 9, 1992:

Suppose religious Boy Scouts, screaming discrimination, insisted on their "right" to join an atheist organization so they can pray, proselytize, and vote for Christian officers. Atheists would flock to the American Civil Liberties Union, circulate petitions, picket Scout meetings, and demand their right to bar the Scouts....

For centuries, atheists have struggled, suffered, and died for religious liberty. But the Randalls and their atheist defenders betray our heritage. Abandoning reason and persuasion, they have allied themselves with government power. For shame. CPR

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Congress Is Out of Control!

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Unfortunately, as the recent budget fight showed, President Bush seems unable — or in many cases unwilling — to use the power of his office to stop them.

And this new liberal-left onslaught —strengthened by the November elections — may ultimately be the most damaging to our country yet. Let's look at just a few examples:

- The Budget/Deficit "Reduction" Act which imposes the biggest tax hike in history, allows spending to increase enormously and will, in fact, create a larger budget deficit next year — facts the national media conveniently obscured.
- The Americans With Disabilities Act, which created huge new classes of "disabled" people (including but not limited to: drug addicts; AIDS patients; drunks; psychotics; and maybe even transvestites) and will force employers to hire them no matter what the problem or cost.
- The outrageously expensive Clean Air Act, which will impose untold expense—conservative estimates run upwards of $100 billion—and will cost tens of thousands of jobs, yet will yield little improvement in our environment for the price.
- The New Child Care Act, which will create huge new federal bureaucracies and generate massive new regulations to solve a problem best left to individual families.
- The Ted Kennedy-sponsored "Civil Rights Act of 1990," which tried to reimpose a "quota" system in hiring, pushing us even farther away from President Reagan's dream of a "color-blind" society.
- Massive new mandated health and maternity benefit programs that will cost businesses — and, eventually, consumers — billions and may actually result in much poorer health insurance covering many workers who may not want or need it.
- Budget *increases* for the National Endowment for the Arts. Even as American taxpayers are outraged by the blasphemy and pornography sponsored by the Endowment, their budget was increased — allowing the NEA to fund even more outrageous "art."

And to top it all off, under huge pressure from the media and the liberals in Congress — and unfortunately from many within his own Administration— President Bush has now broken his pledge of "No new taxes."

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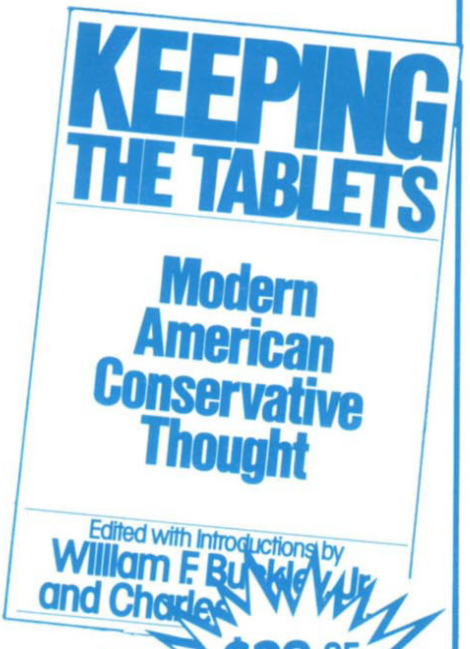

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